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Permanent Forum on Indigenous Issues
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Items 3, 4, 5, 7, 8 and 9 of the provisional agenda*

Special theme: "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"

Implementation of the recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals

Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Half-day discussion on indigenous languages

Ongoing priorities and themes and follow-up

Future work of the Permanent Forum, including emerging issues

Information received from Governments

Ecuador

Summary

This document contains the responses of the Government of Ecuador to the recommendations made by the Permanent Forum on Indigenous Issues at its sixth session in 2007. It also contains information on activities, programmes, policies and laws relating to indigenous peoples in Ecuador, the Second International Decade of the World's Indigenous People and the United Nations Declaration on the Rights of Indigenous Peoples.

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I. Responses to the recommendations of the Permanent Forum intended for Governments

1. The Council for the Development of the Indigenous Nationalities and Peoples of Ecuador (CODENPE), as the public body responsible for devising policies for indigenous peoples, has introduced a model for the development and strengthening of Ecuador's nationalities and peoples — which currently include 32 indigenous groups — that places particular emphasis on the protection of their lands and natural resources. In that context, CODENPE acts as a mediator between Government policies and indigenous peoples' demands.

2. In accordance with the Millennium Development Goals, CODENPE has devised five public policies for indigenous peoples, including an economic stimulus policy that addresses: (a) production projects, in particular the introduction of irrigation channels, the improved use of livestock and traditional crafts; and (b) the strengthening of solidarity funds for women.

3. The balance of the solidarity fund programme of the Development Project for Indigenous and Black Peoples of Ecuador, amounting to approximately $2,500,000, has been transferred to CODENPE and is being kept in trust. It has therefore been possible to continue strengthening the funds through the granting of awards, in accordance with the guidelines previously agreed upon in consultation with the International Fund for Agricultural Development and the Ministry of the Economy and Finance.

4. This new and innovative microcredit scheme is prompting the paternalistic Government to change its approach and move towards the allocation of resources on the basis of the merit and managerial capacity of each individual fund. Competitions are organized with the assistance of representatives of each nationality and community and representatives of the funds themselves, who form the resource allocation committee.

5. Initially, $800,000 has been allocated to this programme, which will run until 2009. With the $1,700,000 remaining in the trust, as well as the returns accumulated in recent years, microcredits will be awarded to the solidarity funds. In order to prevent any political interference from either the Ministry of the Economy and Finance or CODENPE, those resources are currently being invested by ENLACE Negocios Fiduciarios. The fund manager has already been selected, through the intermediary of the Ecuadorian Trust for Development Cooperation.

II. Priority themes of the Permanent Forum

6. CODENPE is not mandated to devote special attention to indigenous children and youth, although those groups do benefit from the outcomes of its planned projects and activities. In that regard, and with international support, the Confederation of Quechua Nations of Ecuador (ECUARUNARI), the regional organization for indigenous people from the Sierra, has launched a project on indigenous children that has given rise to participatory proposals on children.

7. The board of national indigenous organizations includes a Youth Unit, whose mission is to fight for the rights of indigenous youth and to carry out activities designed to strengthen those rights without undermining the identity and culture of

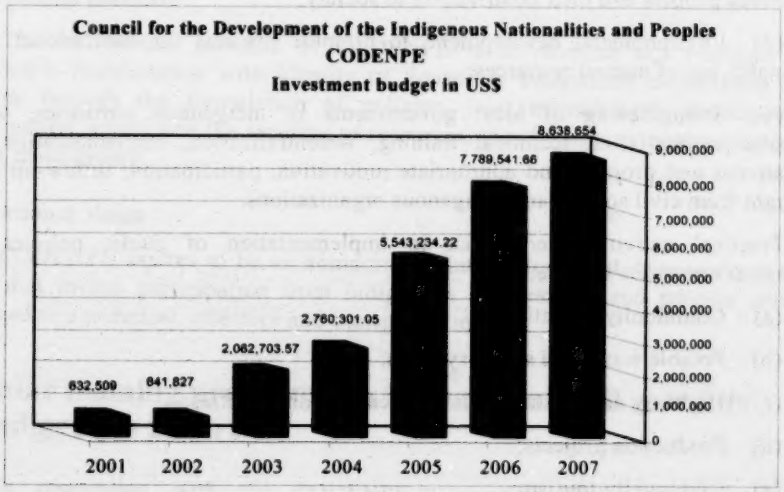
the individuals concerned. CODENPE supports projects with that objective, including intercultural meetings and training days.

III. Obstacles to the implementation of the recommendations of the Permanent Forum

8. CODENPE was established by executive decree, which meant that it was not incorporated into the institutional framework of the State and that, with every change of Government, difficulties arose with regard to the designation of appropriate authorities, despite the fact that clear regulations designating the executive secretariat had been adopted on the basis of a proposal put forward by the National Council of Indigenous Representatives. Following the adoption of the Act on Public Institutions, there is now a legal framework conducive to the implementation of policies and plans to benefit the indigenous population.

9. In addition, there are insufficient budgetary resources to address the demands of the indigenous population, which limits the scope of efforts to implement large-scale, comprehensive projects. However, in response to that need, and as illustrated by the following chart, the relevant steps are being taken to secure annual increments.

10. From 2001 to 2004, CODENPE had a relatively small investment budget. In 2005, a separate budget line for the development of indigenous peoples was created and allocated $5,543,234, an increase of 101 per cent in comparison with 2004. In 2006, the Council was allocated a budget of $7,789,541, representing a 41 per cent increase in comparison with 2005, and in 2007 it received an investment budget of $8,638,654, an increase of 11 per cent (see chart).



IV. Factors facilitating the implementation of the recommendations of the Permanent Forum

11. Indigenous rights relating to the preservation of the natural resources that sustain the population, particularly the working population, should be taken into consideration.

V. Specific laws, policies and other similar measures to address indigenous affairs

12. On 11 September 2007 the National Congress adopted the Organization Act on Public Institutions of the Indigenous Peoples of Ecuador who Describe Themselves as Nationalities from Ancestral Lands, which was issued under No. 86 in Official Gazette No. 175 of 21 September 2007.

13. CODENPE chairs the National Statistical Commission for Indigenous and Afro-Ecuadorian Peoples, which is composed of the National Statistics and Census Institute, the United Nations Population Fund and the Afro-Ecuadorian Development Council and works in strategic partnership with over 15 bodies whose activities generate population data that have not been disaggregated by indigenous population.

14. Policies for the economic and social development of indigenous peoples and nationalities include:

(a) Economic stimulus, to eradicate poverty and create jobs;

(b) Social stimulus, to provide access to essential basic services;

(c) Cultural stimulus, to promote the diversity of the nation, the existence of indigenous peoples and their contribution to society;

(d) Environmental development, to promote projects for the rational and sustainable use of natural resources;

(e) Strengthening of local governments in indigenous territories, with particular emphasis on technical training, decentralization, implementation of programmes and projects and appropriate motivation, participation, follow-up and oversight from civil society and indigenous organizations.

15. Practical activities undertaken in implementation of public policies in indigenous territories include:

(a) Community irrigation;

(b) Potable water and sewer systems;

(c) Highway administration in indigenous communities;

(d) Production projects;

(e) Community tourism;

(f) Strengthening of organizational capacities;

(g) Cultural enhancement.

VI. National institutions responsible for indigenous affairs

16. The Ecuadorian State addresses the needs of its nationalities and peoples through strategic plans adopted by CODENPE, a public body with its own legal personality and technical, administrative and financial independence.

17. CODENPE is competent to address issues relating to indigenous nationalities and peoples at the national level. It operates on a decentralized and participatory basis.

18. Efforts to consolidate the position of CODENPE as a public sector institution have been ongoing. They began after the first indigenous uprisings orchestrated by indigenous organizations. In 1995, the National Department for Indigenous Affairs was established. Then, in 1997, that body became the Planning and Development Council for Indigenous and Black Peoples. Subsequently, with the entry into force of the new Political Constitution of the Republic in 1998, and pursuant to Executive Decree No. 386, published in Official Gazette No. 86 of 11 December 1998, CODENPE was legally established.

19. Finally, at the initiative of the Congressional Committee on Indigenous Affairs, chaired by Dr. Raúl Ilaquiche, and with the strong support of parliamentarians from the Pachakutik bloc, Salvador Quishpe from Zamora Chinchipe province, Diana Atamaint from Morona Santiago province, Carlos Sucuzhagñay from Cañar province, Ramses Torres from Bolívar province and Patricio Miranda from Chimborazo province, on 11 September 2007 the National Congress adopted the Organization Act on Public Institutions of the Indigenous Peoples of Ecuador who Describe Themselves as Nationalities from Ancestral Lands, which was issued under No. 86 in Official Gazette No. 175 of 21 September 2007.

Institutional mandate

20. The institutional mandate of CODENPE is to promote and facilitate the sustainable development with identity of Ecuador's indigenous nationalities and peoples through the formulation of policies, joint management, participation, coordination, equity and the securing of resources, thereby improving the quality of life of those groups.

Institutional vision

21. CODENPE aspires to be an autonomous, intercultural and democratic public body that invites participation from indigenous nationalities and peoples and is managed in a technical, effective and transparent manner.

VII. Regular training programmes for national civil servants on indigenous affairs

22. In connection with the CODENPE-managed project on strengthening alternative municipalities, the Government of the Republic of Ecuador and the Kingdom of Belgium entered into a cooperation agreement with a view to implementing a project entitled "Training and education for indigenous nationalities and peoples in Ecuador".

23. That agreement is intended to ensure that, by means of organizational and institutional capacity-building, those responsible for indigenous nationalities and peoples achieve better results in the political, economic and social spheres.

24. The Ecuadorian Institute for International Cooperation is responsible for managing and overseeing the project, while CODENPE is the administrative body responsible for ensuring its effective implementation.

25. Belgium will be responsible for funding the project and for providing technical assistance. The total cost of the project is approximately €429,560, of which $244,000 is being contributed by Ecuador.

VIII. Planned activities relating to the goals, objectives and programme of action of the Second International Decade of the World's Indigenous People

26. It is important to devise a new model for the comprehensive sustainable development with identity of Ecuador's nationalities and peoples.

27. CODENPE formulates public policies designed to create a multinational State that is inclusive of all nationalities and peoples. Those policies seek to ensure the full enjoyment of collective rights against a backdrop of respect for diversity and the intercultural phenomenon.

28. CODENPE, as the public body responsible for policies on indigenous issues and in conjunction with the Office of the Ombudsman and the Confederation of Indigenous Nationalities of Ecuador, has approached the Government Procurator in order to discuss the possibility of establishing an indigenous justice unit within his Office.

29. At the international level, CODENPE participated directly in the process leading to the adoption, on 13 September 2007, and the entry into force of the United Nations Declaration on the Rights of Indigenous Peoples for the benefit of the world's indigenous peoples.

30. In the days to come, CODENPE will design the activities, strategies and mechanisms that will allow indigenous people to enjoy the human rights set out in the Declaration.

IX. Specific information or suggestions relating to the special theme of the seventh session of the Permanent Forum: "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"

31. It is vital to address the responsibility of Governments to deal with climate change caused by the indiscriminate use of natural resources that have historically been preserved by indigenous peoples, and to stress the importance of managing those resources in the holistic and sustainable manner demonstrated by indigenous peoples the world over.

X. Information relating to the promotion and/or implementation of the United Nations Declaration on the Rights of Indigenous Peoples

32. At the international level, CODENPE participated directly in the process leading to the adoption, on 13 September 2007, and the entry into force of the United Nations Declaration on the Rights of Indigenous Peoples for the benefit of the world's indigenous peoples.

33. In 2007, CODENPE asked the Congressional Committee on Indigenous Affairs to bring before Congress a law incorporating the Declaration into Ecuador's domestic legislation.

34. Accordingly, in October 2007, the Chairman of the Congressional Committee on Indigenous Affairs submitted a draft law on the exercise and applicability of the rights of indigenous peoples enshrined in the United Nations Declaration. At present, that draft is awaiting consideration by the legislative committee of the National Assembly.

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Spain

Summary

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I. Introduction

A. Monitoring and evaluation of the Spanish Strategy for Cooperation with Indigenous Peoples: new methodological guidelines

1. The Spanish Strategy for Cooperation with Indigenous Peoples (ECEPI), approved in 2006, has already had real practical applications in its second year of operation. The Strategy has placed Spanish cooperation activities at the forefront of the donor community with regard to specialized care received by indigenous peoples.

2. The Government of Spain has established a process for monitoring the content of the Strategy in which the Indigenous Programme of the Spanish Agency for International Development Cooperation (AECID) and the Office of Development Planning and Policy Evaluation have a central role. As a result, the AECID Indigenous Programme will be able to request information from different parties concerning the implementation of the Strategy while all of the provisions in the sectoral Strategy will be taken into account within the context of the evaluation of development policies related to indigenous peoples.

3. Furthermore, in line with the ECEPI approach, considerable progress was made in 2007 in the development of useful guides for the implementation of this Strategy. The first document worthy of mention, on the topic "Indigenous peoples and cooperation for development: some reflections and guidelines for addressing indigenous issues in the work of public institutions and NGOs", provides guidance for integrating a working perspective into such bodies that considers the specific needs and different views of indigenous peoples on such issues as development or quality of life, taking into account their knowledge base and recognizing their collective rights. In addition, pursuant to a workshop held in Guatemala in September, intercultural guidelines are now being developed for the prevention of natural disasters and on risk management. Lastly, AECID has collaborated on funding the Basic Guide on Climate Change and Cooperation for Development. The development of this document has been coordinated by the Institute for Development Promotion and Support (IPADE) with the support of organizations from the Working Group on Climate Change and Combating Poverty of the Coordinating Committee for Development NGOs in Spain (CONGDE).

B. International regulatory framework: ratification by Spain of International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples

4. Spain ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples on 16 February 2007. This represents an additional contribution by Spain to the international effort to protect indigenous communities and their cultures and is based on the implementation of Spanish policies for development cooperation. As a result of this ratification, Spain has become the eighteenth country in the world to declare openly its commitment to the rights of indigenous peoples and the second country without an indigenous population on its territory to have ratified the Convention.

5. In addition to ILO Convention No. 169, ECEPI has adopted three other international standards as its priority international regulatory framework for the definition of cooperation policies and activities carried out with indigenous peoples: the Convention on the Rights of the Child; the Convention on Biological Diversity; and the United Nations Declaration on the Rights of Indigenous Peoples, which provides the general basis for the aforementioned Strategy.

C. Adoption of the United Nations Declaration on the Rights of Indigenous Peoples

6. The adoption of the Declaration represents an important milestone for the protection of the rights of indigenous peoples by establishing a framework for dialogue between indigenous organizations, peoples and communities and different States.

7. As a member of the Group of Friends of the United Nations Declaration on the Rights of Indigenous Peoples, the Government of Spain participated actively in the lengthy process which culminated in the adoption of the Declaration on 13 September 2007.

8. Within this framework, the seventh meeting of researchers on the rights of indigenous peoples was held in Madrid in December 2007 on the theme "The United Nations Declaration on the Rights of Indigenous Peoples", thereby continuing a series of meetings for teachers, experts and researchers from different Spanish and American research centres and universities. On this occasion, discussions focused on the legal, political and practical consequences of the recent adoption of the United Nations Declaration on the Rights of Indigenous Peoples which, inter alia, covers the right of indigenous peoples to self-determination, to self-development, to territories and to a culture of their own.

II. Questionnaire

A. Progress in the implementation of the recommendations made by the Permanent Forum at its sixth session[1]

Special theme: "Territories, lands and natural resources"

Paragraph 13

9. The Convention on Biological Diversity is a highly important instrument to Spanish cooperation activities. In the multilateral arena, Spain was heavily involved and participated very actively in its negotiation, in addition to making regular financial contributions to its Trust Fund and extraordinary contributions in connection with the organization of meetings, especially with respect to its article 8 (j). Furthermore, biodiversity conservation and the centrality of human beings in environmental policies and activities are priorities for AECID in the environmental field, both in terms of horizontal cooperation, which shapes all such activities, and sectoral cooperation, as emphasized by the existence of the "Araucaria" programme, which has a specific policy on indigenous peoples and

[1] Economic and Social Council, Official Records, 2007, Supplement No. 23 (E/2007/43).

biodiversity. In addition, the Agency has an Indigenous Programme which has also recognized the importance of protecting traditional knowledge and has developed a policy to support indigenous participation within the framework of the Convention which also covers training activities on related issues and has won widespread recognition in a number of areas.

Paragraph 19

10. The theoretical framework for ECEPI includes among its basic principles that indigenous peoples have the right to free, prior and informed consent, including the right to reject proposals for development and other types of cooperation projects and activities, particularly those which affect their lands and territories. In that regard, any Spanish cooperation activities which directly or indirectly affect indigenous peoples shall respect this right. In compliance with this principle, any initiative by AECID with indigenous peoples will observe the mechanisms of free, prior and informed consent. The joint project of the Complutense University of Madrid and the Mayagba Indigenous Community of Awas Tingni in Nicaragua, in which that community carried out a self-diagnosis of its needs as a first step in defining its own development priorities, also deserves mention.

11. The activities that have been carried out in Argentina are noteworthy with respect to territories, lands and natural resources. Through the Araucaria XXI-Atlantic Forest regional project, an ongoing dialogue has been maintained in Argentina with key informants, such as local chiefs, bilingual teachers, legal representatives and artisans from the Mbyá-Guaraní communities. In addition, workshops have been held to incorporate the views of the Guaraní into the Yabotí Biosphere Reserve Management Plan. A workshop has also been held for authorities from the Mapuche, Kolla, Toba and Diaguita peoples to analyse the processes that each one is conducting for the recognition of their rights as peoples, especially the right to territory and to natural resources.

Paragraph 21

12. Spain ratified ILO Convention No. 169 in February 2007, thereby adopting it as a frame of reference for all interventions which affect indigenous peoples. Activities have therefore been carried out with a view to disseminating and implementing the Convention. With respect to the training of public officials/civil servants in this area, AECID technicians in Madrid were informed about Convention No. 169 and its practical implications for the Agency at a workshop held for the dissemination of ECEPI in July 2007. Furthermore, the practical implications of the recently ratified Convention were also explained at a workshop held in April in Cartagena de Indias, Colombia, where officials from the Technical Cooperation Offices were introduced to ECEPI. Some of the participants reported on the activities carried out for the dissemination of the Convention, such as those by the Argentina Office, which had made progress on the translation and interpretation of the Convention.

Paragraphs 20 and 26

13. In July 2007, a study/report was undertaken on the implications for Agency policies resulting from the ratification of Convention No. 169. It aims to provide guidance for the amendments to be made to these policies in order to bring their

content into line with the Convention. The study is based on the public policies in force in Spain, especially in the education, tourism, health, culture, trade and environmental sectors. It is also based on case law developed by the ILO pursuant to complaints received and reports completed.

14. The consistency of indigenous-related strategies with international standards is therefore being reviewed in accordance with paragraph 26 of the report on the Forum's sixth session.

Indigenous peoples in voluntary isolation and initial contact

Paragraph 39

15. With regard to improving the visibility of the situations faced by indigenous peoples in voluntary isolation and initial contact, the project being implemented in the Amazon and Gran Chaco by the Native Federation of Madre Dios and Tributaries (FENAMAD), with funding from AECID, should be noted. This project began at the end of 2006 with an indigenous regional seminar held in Santa Cruz de la Sierra, Bolivia, to establish common ground among the different stakeholders involved in the protection of this community. To that end, invitations were issued to government representatives, indigenous organizations and experts from the seven countries of the Amazon and Gran Chaco (Bolivia, the Bolivarian Republic of Venezuela, Brazil, Colombia, Ecuador, Paraguay and Peru) and from international organizations that are particularly influential in this area.

16. The seminar was organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Vice-Ministry of Lands of the Government of Bolivia, the International Work Group for Indigenous Affairs (IWGIA) and the Confederacy of Indigenous Peoples (CIDOB). Funding was provided by AECID, the Danish International Development Agency (DANIDA) and the Norwegian Agency for Development Cooperation (NORAD).

Paragraph 41

17. The Agency has supported the strengthening of the International Committee for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact (CIPIACI) in the Amazon and Chaco regions through a project which began in October 2007 and thus continues to be operational. This project involves implementing two emergency missions in two countries where the situation for these peoples is a cause for concern in order to strengthen indigenous organizations working for their protection, to influence governmental representatives and to send up-to-date information to international human rights bodies. The project will also allow progress to be made on the development of protection strategies in the international arena through the development of a study which links unwanted contact with genocide prevention, thereby involving various international human rights mechanisms in the protection of peoples in isolation.

Paragraph 42

18. Some of the interventions connected with indigenous peoples in voluntary isolation and initial contact are partially or totally focused on providing health care for these populations. As a follow-up to the Santa Cruz meeting referred to in paragraph 39, a meeting was held in Quito in October entitled "Towards the

development of public policies and action plans to ensure the right to health of peoples in voluntary isolation and initial contact". The meeting was organized by CIPIACI, which is made up of indigenous organizations from Bolivia, Brazil, Colombia, Ecuador, Paraguay and Peru. The event brought together senior officials from the health sector of each country involved, social scientists and doctors specializing in the area, international organizations and representatives of the indigenous organizations that comprise CIPIACI.

19. Studies by experts in indigenous issues were presented at the meeting. One of these, entitled "Factors which affect the health of peoples in voluntary isolation and initial contact: a case study of the Nanti people of southeast Peru", studies the impact on health from the first involuntary contact between the Nanti people and the non-Nanti world in the southeast of Peru's Amazon region (Cusco department). Technical guidelines were also submitted on health care for indigenous peoples in recent and initial contact at risk of high morbidity and mortality. Their aim is to reduce negative impacts on the health of these indigenous peoples through appropriate and effective human and technical measures which respect their culture and their right to self-determination.

Economic and social development

Paragraph 43

20. The Master Plan for Spanish Cooperation for 2005-2008 includes cooperation with indigenous peoples under its "culture and development" sector. The strategic guidelines and priority actions defined in this document are based on "support for self-development processes and respect for the rights of indigenous peoples". As described in the Master Plan, the policy of cooperation with indigenous peoples is based on their right to exist and on their right to define and to implement their own development models, consistent with the universal respect for human rights. The overall objective of this policy is to promote the recognition and effective exercise of the right of indigenous peoples to coordinate their own social, economic, political and cultural development processes. This precept is clearly demonstrated by the fact that ECEPI, drawn up in 2006, is based on the fundamental principles of self-identification, self-development, free, prior and informed consent, and the recognition of rights.

Environment

Paragraph 50

21. As mentioned with reference to paragraph 13, the Indigenous Programme, through the Almáciga Intercultural Working Group, finances attendance at meetings of the Convention on Biological Biodiversity and the elaboration of reports covering topics on the Convention's agenda. One of the aspects attracting an increased amount of attention is access to and benefit-sharing of genetic resources.

Paragraph 53

22. With regard to the issue of water, AECID provides funding to the development NGO Engineers Without Borders for the implementation of a project in North Mendocino, Argentina, aimed at promoting the right to water of the region's

indigenous peoples. Efforts are being made to overcome the main obstacle, which is lack of basic infrastructure for adequate access to water.

23. The project focuses on three areas. The first area is technical and policy impact through participatory research and the generation of basic knowledge on the water claims of the community territories. The second area consists of the democratization and participation of families and indigenous communities in water resource management. The third area focuses on the establishment of appropriate infrastructures for guaranteeing effective access to water in sufficient quantity and quality. The participation of the *huarpes* is envisaged during all phases of the project: research (Lagunas de Guanacache), management and dissemination of information, water resource management and development of public policy proposals.

Paragraph 56

24. In February 2008, Spain will host the preparatory meeting for the seventh session of the Permanent Forum on Indigenous Issues in accordance with the recommendation to hold international events on indigenous issues.

Paragraph 57

25. The Agency provides support for the initiative promoted by the Tebtebba Foundation, which has organized a workshop for international experts on relevant indicators for indigenous peoples within the framework of the Convention on Biological Diversity and the Permanent Forum of 2005. This workshop will bring together international experts to address the key aspects of the work on indicators from the perspective of indigenous peoples, United Nations agencies, researchers and Governments. The objective is to assess the status of work carried out on indicators on the well-being and sustainable development of indigenous peoples with a view to informing future work on indicators at all levels.

26. The Government of Spain has cooperated with the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (Indigenous Fund) since its inception and contributed 350,000 euros to the Fund in 2007. Within the framework of its flagship programmes, the Fund implements the Communication and Information Programme with the aim of developing indicators to describe and explain the social, economic and cultural situation of indigenous peoples and thus facilitate policymaking, strategy formulation and decision-making in the management of indigenous development.

Health

Paragraph 61

27. As mentioned in reference to paragraph 42, the Government of Spain is cooperating with the Andean Commission on Intercultural Health in order to carry out a project on the right to health of indigenous peoples in voluntary isolation and in initial contact of the Amazon and Gran Chaco. In addition, AECID has contributed 205,000 euros to the Andean Regional Health Agency (ORAS) in support of the intercultural health project which covers Peru, Ecuador, Bolivia, the Bolivarian Republic of Venezuela, Chile and Colombia. The aim is to strengthen the actions that have been taken within the framework of national health plans in order

to promote the exercise of the rights of indigenous peoples, increase the availability of services that offer an intercultural approach and improve the health of the indigenous population of ORAS member countries.

Paragraph 66

28. AECID cooperates with the United Nations Children's Fund (UNICEF) on the regional programme for the rights of indigenous children and adolescents in Latin America, which includes a subregional project aimed at strengthening civil registration and the coordination of the education and health services of the Gnobe people on the border between Panama and Costa Rica.

Culture

Paragraph 72

29. The regional programme for the rights of indigenous children and adolescents in Latin America implemented by UNICEF also incorporates a pilot project on Bilingual Intercultural Education in Belize and activities aimed at strengthening bilingual education in several countries in Latin America. In addition, AECID carries out bilateral bilingual education projects directly through various Technical Cooperation Offices. For example, throughout 2007, a bilingual education programme was carried out in the Kunas territories in Panama. Similarly, the Office in Peru is developing a bilingual intercultural education programme in the Loreto region which is carried out bilaterally with the Directorate of Bilingual and Intercultural Education and other Peruvian educational institutions.

30. With regard to work with the media, it should be noted that AECID has assisted with strengthening the indigenous communication system in Colombia, and indigenous communication projects have also been started in Bolivia and Ecuador. In Bolivia, the communication processes of indigenous organizations are being strengthened through the dissemination of information and through active participation in the work spaces of the Bolivian National Indigenous Communication Plan. To that end, training workshops and exchange programmes are being organized for indigenous representatives, leaders and communicators from various countries of the region. In Ecuador, AECID jointly organized the Fifth Indigenous Peoples' Audiovisual Festival 2007 with the Cinematography Education and Production Center of Bolivia (CEFREC). As part of this festival, presentations and meetings were organized in various institutions in Spain by a group of film-makers, actors and producers from the Latin American indigenous audiovisual production movement and by members of the Latin American Council on Indigenous Peoples' Film and Video (CLACPI).

Human rights

Paragraph 74

31. The aforementioned Indigenous Fund provides support to the peoples of the Paraguayan Chaco in articulating a strategy whose main aim is to ensure compliance with the judgement issued by the Inter-American Court of Human Rights, which directly affects these peoples.

Paragraph 78

32. "The overall objective of ECEPI is to promote the recognition and effective exercise of the right of indigenous peoples to coordinate their own social, economic, political and cultural development processes. The strategy will not only benefit indigenous peoples but society as a whole." This paragraph summarizes the overall objective of the Strategy, which includes the following among its five basic principles: "The Agency will take an approach based on processes and on the recognition of rights, with projects and concrete actions as parts and/or tools of such processes. Only this approach will enable actions that may have a positive impact on the self-development and the recognition and effective exercise of the individual and collective rights of indigenous peoples." The practical implementation of this principle is reflected by a project carried out by the International Work Group for Indigenous Affairs, entitled "First observational phase of rights for indigenous peoples of America". This project has provided indigenous organizations and other organizations offering legal assistance with a minimum organizational capacity to establish a legislative observatory in response to the continuing demands of indigenous peoples throughout Latin America. Its main activities will be legal assistance and training and the dissemination of legal information. The Government of Spain has also financed a project on regional consultation on the rights of indigenous peoples in Africa within the framework of the African Commission on Human and Peoples' Rights in order to implement the recommendations of the United Nations Second International Decade of the World's Indigenous Peoples in the African context.

33. Furthermore, the Indigenous Fund has consolidated its support for the Training Programme on Human Rights for Latin American Indigenous Representatives organized by the University of Deusto in conjunction with the Indigenous Peoples and Minorities Unit of the Office of the United Nations High Commissioner for Human Rights in Geneva. Within this framework, the Manual on Indigenous Peoples and Human Rights, which was financed by AECID, was published and presented in October 2007.

Second International Decade of the World's Indigenous Peoples

Paragraph 81

34. Spain cooperates with other States that have an indigenous population in the formulation of policies, strategies, programmes and projects adapted to cultural differences in various environments. Reference has already been made to ORAS, which ensures that health policies and institutions are adapted to indigenous cultures. Another example is a project in Colombia run by the Centre for Indigenous Cooperation (CECOIN), which consists of assisting the country's indigenous authorities in the formulation of environmental policies, especially policies that deal with protected areas that come under the scope of the national parks.

35. Spain has also started work on a project aimed at strengthening public policies for the benefit of the Guaraní population in the border region. This project is carried out within the framework of the Trinational Programme (Paraguay, Argentina and Brazil), to which Spain contributed 100,000 euros in 2007. The Programme has three components: the national heritage and development programme, the Araucaria XXI programme on the environment and the Indigenous Programme, of which the aforementioned project is part. Indigenous organizations and public and private

institutions of these countries, including the Public Prosecutor's Office of Paraguay, participate in the programme. The aim of this initiative is to strengthen public policies aimed at the region's Guaraní population. Workshops and meetings are organized to disseminate information on the target population and its needs. As part of the outcomes of these meetings, public policy proposals aimed at meeting this population's needs are formulated and reports are drafted for submission to the relevant institutions.

36. Within the framework of the Spain-Ecuador Technical Cooperation Programme, the project FORMIA Strengthening the Municipalities of the Indigenous Territories of Ecuador, was implemented during 2007. In light of the project's positive outcomes in Ecuador, a decision was taken to share these positive results at the international level. In November 2007, the organizers of FORMIA and the Council for the Development of the Nationalities and Peoples of Ecuador (CODENPE) jointly hosted in Quito the first Latin American meeting of local governments of indigenous territories, known as TANTANAKUSHUN. Representatives of the region's indigenous movement from Mexico, Guatemala, El Salvador, Nicaragua, Costa Rica, Panama, Colombia, Ecuador, Bolivia, Peru, Uruguay and Chile took part in the meeting. The objective was to establish a forum where the regions' alternative municipalities and government bodies could share successful experiences in the area of public administration and find ways of responding in future to the needs and demands of the indigenous communities who inhabit these territories.

37. Finally, the Indigenous Fund supports implementation of the programme on strengthening intercultural public policies in Bolivia. This project has contributed to strengthening national indigenous organizations, including their capacity to negotiate and formulate proposals and engage in dialogue with the Government. Also in cooperation with the Fund, the Andean Community Consultative Council of Indigenous Peoples was established as an autonomous forum for decision-making in areas related to the exercise of their rights and could serve as a model for other subregions.

Half-day discussion on urban indigenous peoples and migration

Paragraphs 109 and 110

38. The issue of the mass displacement from home territories to urban centres was discussed at the Quito meeting mentioned in reference to paragraph 81. This issue is a reality that threatens the organization of the Latin American indigenous movement itself because approximately 75 per cent of its members are migrating to the city in order to sell their labour.

Paragraph 118

39. In Bolivia, work has started on a project entitled "Training and leadership for young Guaraníes in the production process in 30 Guaraní communities of the community land of origin of North Charagua". The beneficiaries will be indigenous youth aged 18 to 25 excluded from the formal education system and who work in agriculture in their own community. The project consists of specialized training for these young people in the specific field they are already working in so that after completing the training period, and with the supplies they will be given, they will have skills that will enable them to undertake their own production, ensuring the self-sufficiency of their entire family and generating income.

Activities and current themes (data collection and disaggregation on indigenous peoples)

Paragraph 119

40. The Agency maintains two projects that offer courses on indicators. The first, which was mentioned in reference to paragraph 57, deals with well-being and sustainable development and the second, mentioned in reference to paragraph 61, deals with health indicators.

Paragraph 130

41. The Spanish Government is open to any request for contributions to the Voluntary Fund of the Permanent Forum in order to finance events and meetings related to the special theme of the seventh session.

Paragraph 133

42. This paragraph is entirely consistent with the AECID project aimed at supporting the effective integration of indigenous organizations in the processes of the Convention on Biological Diversity, which was mentioned in reference to paragraph 13.

Paragraph 146

43. In 2007, the Government of Spain contributed 2,550,000 euros to the General Fund-Voluntary Fund for Indigenous Populations of the Office of the United Nations High Commissioner for Human Rights.

B. Attention by the Government of Spain to the priority themes of the Forum

44. One of the five basic principles of the Government's Strategy for Cooperation with Indigenous Peoples is the right to free, prior and informed consent. Gender equality is considered to be a cross-cutting priority of all strategic areas. Under the Strategy, the task of data collection and disaggregation has been assigned to the AECID Indigenous Programme. Finally, the Convention of the Rights of the Child (1989), and in particular the article on indigenous boys and girls, is considered to be one of the four international standards that are given priority under the Strategy. Moreover, indigenous boys, girls and youth are the target population of some of the Strategy's components, including bilingual intercultural education and educational equity. Indigenous children and youth are in fact the indirect beneficiaries of all initiatives that are part of Spain's cooperation activities with indigenous peoples.

C. Obstacles to the implementation of the recommendations of the Permanent Forum

45. The Indigenous Programme and other stakeholders in Spain's cooperation activities working in the field of indigenous issues encounter particular difficulties in carrying out projects that largely depend on the political decision-making of public institutions of other countries, such as formulating legislation and policies,

even though these countries' indigenous organizations are responsible for formulating the proposals. In addition, many of the projects and programmes have a duration of more than a year, so it is difficult to carry out all the initiatives recommended by the Forum in just 12 months, especially because it is essential to the Agency that its activities should be efficient, coherent and of high quality.

D. Enabling factors for the implementation of recommendations

46. Since 2006, the Strategy for Cooperation with Indigenous Peoples has served as an exceptional normative framework in Spain that has provided an ad hoc frame of reference to ensure that involvement with indigenous peoples is consistent with the Agency's principles and with international standards on indigenous issues. Spain's cooperation activities are undertaken by a wide range of executing arms, both internal, such as overseas offices, and external, such as specialized development NGOs and international organizations which the Agency has worked with for a long time. This ensures that actions are wide-ranging and complementary. With respect to AECID internal actors, its activities are diverse and wide-ranging partly because they address indigenous peoples using a variety of approaches and instruments, including bilateral cooperation with each country, various forms of multilateral cooperation and specific programmes, which give priority to indigenous peoples in every case. With its considerable experience in the area of indigenous issues, the AECID also maintains close ties with the most important indigenous organizations, especially in Latin America, which facilitates and expedites cooperation activities.

E. Specific policies and strategies to address indigenous peoples

47. There are no indigenous peoples in Spain, so it is not necessary to enact specific legislation within our country. Nevertheless, the Spanish Strategy for Cooperation with Indigenous Peoples, approved in 2006, aims to ensure that countries with indigenous peoples have laws and public policies that recognize and respect their rights.

F. Agency focal point for indigenous peoples

48. The Government of Spain has established a specific unit that is responsible for planning, coordinating, implementing and monitoring all Agency activities which, in full or in part, are aimed at indigenous peoples. This unit is called the Indigenous Programme and belongs to the Spanish Agency for International Development Cooperation, which is part of the Ministry of Foreign Affairs and Cooperation.

G. Training on indigenous issues for officials of the Agency

49. Each year, the Indigenous Programme organizes participatory training seminars for the technical staff of Spain's official cooperation activities at all levels, including at the level of the autonomous communities (autonomous community agencies), at the national level (AECID) and overseas (technical cooperation offices

in developing countries). The aim of this training is to discuss the Strategy for Cooperation with Indigenous Peoples and its successful application to projects.

50. The programme normally used at these seminars consists of two phases. During the first phase, a presentation is given on ECEPI which serves as a refresher for participants. Next, working groups are formed to discuss the application of the principles, objectives and priorities of the strategy, taking as a case study a real project co-financed by AECID.

51. In 2008, two new seminars on indigenous issues will be held and attended by the technical staff of Spain's cooperation activities whose work has some bearing on indigenous peoples.

H. Activities for the objectives of the United Nations Second International Decade of the World's Indigenous Peoples

52. Although AECID does not have a plan of action specifically aimed at implementation of the recommendations of the United Nations Second International Decade of the World's Indigenous Peoples, the strategies and priorities contained in the ECEPI are in line with the aims set out in the United Nations Second International Decade of the World's Indigenous Peoples.

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Special theme: "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"

Implementation of the recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals

Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and other special rapporteurs

Ongoing priorities and themes and follow-up

Information received from Governments

Mexico

Summary

The present document contains the responses of the Government of Mexico to the recommendations of the Permanent Forum on Indigenous Issues at its sixth session, held in 2007. It also contains information on the country's activities, programmes and policies relating to indigenous peoples, the Second International Decade of the World's Indigenous People and the United Nations Declaration on the Rights of Indigenous Peoples.

* E/C.19/2008/1.

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I. Follow-up to the recommendations of the experts of the United Nations Permanent Forum on Indigenous Issues[1]

A. Responses to the recommendations to Governments on one or more items of the agenda of the sixth session of the Permanent Forum and previous sessions

Paragraph 19

1. Within the permanent system of the National Commission for the Development of Indigenous Peoples (CDI) for indigenous consultation and participation, the following activities have been carried out:

(a) Consultations on the drafting of the National Development Plan 2007-2012, consisting of 57 intercultural regional forums attended by 4,344 persons and generating more than 5,000 proposals;

(b) Follow-up to the consultations on the conservation of sacred sites of the Huichol People. Two working meetings were held with the Unión de Centros Ceremoniales of Jaliso, Durango and Nayarit to agree on mechanisms for disseminating the outcome of the consultations;

(c) Workshop to review the proposal on the plan for the management of the Wirikuta natural sacred site in Matehuala, San Luis Potosí. Thirty-six proposals and observations were formulated;

(d) Follow-up to the consultations on the Marine Ecological Code of the Gulf of California, with the presentation of the final report for review by the Commission for Indigenous Participation in the Marine Ecological Code of the Gulf of California, attended by representatives of the Cucapá, Seri, Mayo, Yaqui and Huichol peoples.

Paragraph 37

2. On 14 August 2001, amendments to articles 1, 2, 4, 18 and 115 of the Political Constitution of the United Mexican States were published in the Official Gazette of the Federation. This led to significant changes in the relationship between the State, indigenous peoples and society at large. In particular, article 2, as amended:

(a) Reaffirms recognition of the multicultural composition of the nation;

(b) Recognizes the right of indigenous peoples and communities to self-determination and, accordingly, to autonomy in deciding their internal forms of coexistence and organization;

(c) Establishes that the right of indigenous peoples to self-determination shall be exercised in an autonomous constitutional framework that guarantees national unity, and that indigenous peoples and communities shall be recognized in the constitutions and laws of the states of the Federation;

(d) Establishes the right of indigenous peoples — individually and collectively — to have full access to the nation's justice system;

[1] *Official Records of the Economic and Social Council, 2007, Supplement No. 23* (E/2007/43).

(e) Provides that the federation, states and municipalities must establish institutions and formulate the necessary policies to guarantee the effective enjoyment of the rights of indigenous peoples and the integral development of their villages and communities;

(f) Sets out the obligations of federal, state and municipal authorities to provide for communities' needs;

(g) Article 2 (b), section IX, in particular, establishes the obligation to "consult indigenous peoples in the elaboration of the national development plan and state and municipal developments plans, and, where appropriate, to incorporate their recommendations and proposals".

Paragraph 43

3. Action under this recommendation is covered in paragraphs 12 and 13 of this report.

Paragraph 50

4. CDI participated in the Fifth Meeting of the Ad Hoc Open-ended Intersessional Working Group on article 8 (j) and related provisions of the Convention on Biological Diversity (Montreal, Canada, 15-19 October 2007) with a view to following up that theme.

Paragraph 51

5. CDI participated in the eleventh session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization (WIPO), held in Geneva, Switzerland, from 3 to 12 July 2007 with the aim of following up this specific theme. It also contemplated participating in that Committee's twelfth session, to be held in Geneva from 25 to 29 August 2008. In late 2007, CDI launched a plan for consultations on traditional knowledge, cultural expressions and genetic resources, which includes the sui generis system.

Paragraph 74

6. With regard to the rights of indigenous peoples, CDI took two approaches:

(a) Promoting recognition and effective enjoyment of indigenous rights:

(i) Legal opinions. Forty-five federal legislative initiatives were examined and legal opinions were given on them. This exercise covered the following areas: constitutional issues (seven), education (four), consultation (three), Office of the Public Defender (three), planning (three), social development (two), environment (two), traditional knowledge and knowledge of criminal procedure (two), CDI, economic issues, Afro-Mexicans, day workers, farming, fiscal issues, discrimination, finance, telecommunications, forest life, human rights, micro-industry and artisan activity, linguistic rights and women's rights. At the state level, six local implementing laws were analysed and legal opinions were given in the states of Baja California (indigenous rights and culture), Hidalgo (social development and indigenous courts), Jalisco (rights and development), Durango (indigenous rights and culture), Michoacán

(indigenous rights and culture), and the Federal District (indigenous rights and culture);

(ii) Analysis of multilateral international instruments on the United Nations Declaration on the Rights of Indigenous Peoples, the rights of indigenous peoples, traditional knowledge and biological diversity;

(iii) Promotion of rights. Lectures were delivered at various federal and state venues on the topics of recognition and effective enjoyment of the rights of indigenous peoples (Attorney-General of the Republic), and in the states of Oaxaca, Chiapas, Mexico and the metropolitan area of the Federal District; new areas of research were identified together with the Agrarian Ombudsman; and the CDI system of consultation on indigenous rights was updated. CDI participated in a discussion with the legislative branch on draft reforms with regard to the Office of the Public Defender, linguistic rights, civil procedures and indigenous media. Support was given to the organization of a meeting on regulatory systems. CDI also worked with state congresses on the proposal of a legislative strategy for Sonora and Nuevo León;

(iv) With regard to international affairs, CDI shared information with the Latin American Parliament on the status of public and legislative indigenous policies in Mexico;

(b) Promotion of access to the justice system and fair treatment of indigenous peoples in the courts:

(i) CDI is taking coordinated action, in particular with regard to indigenous law and the qualification of indigenous translators and interpreters, as well as the proposal of ideas for radio spots on the Indigenous Culture Radio Broadcasting System to disseminate the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples;

(ii) The case of San Juan Bautista de la Laguna was considered with a view to having it recognized as an indigenous community of the state of Jalisco;

(iii) The second meeting of indigenous judges was held in Telchac Puerto, Yucatán.

Paragraph 115

7. CDI has 110 Focal Points for Indigenous Development (CCDIs) which, from an operational and administrative standpoint, are an extension of CDI in the indigenous regions. Their main objective is to identify the various problems in indigenous communities with a view to implementing programmes through plans and projects that will bring solutions.

Paragraph 116

8. CDI is carrying out the Project for Assistance to Displaced Indigenous Peoples (PAID), which provides the basic conditions to enable displaced indigenous populations to re-establish themselves, materially and culturally, in the places to which they have relocated, or from which they were expelled in the case of return, through the joint efforts of federal, state and municipal entities. Under this project, displaced indigenous families can acquire farmland, plots of land, building materials for houses and inputs to launch productive activities as compensation for material

losses they may have suffered as a result of acts of violence, armed conflict, human rights violations, or religious, political, cultural or ethnic intolerance, with the assurance that their cultural diversity will be fully respected.

Paragraph 128

9. CDI is responsible for identifying socio-demographic, economic and cultural characteristics of indigenous peoples and regions and for designing and executing procedures to verify the reliability of information and indicators on development and backwardness in certain indigenous regions, municipalities and villages. The aim of the operation is to establish a system of information and indicators on Mexico's indigenous peoples that would serve as a tool for assessing the status of their integral and sustainable development, as well as a framework for public policymaking and for increasing their informed participation in decision-making and thereby expanding their opportunities to choose their own lifestyle.

10. All CDI programmes and projects correspond to the reality reflected by the indicators and establish actions aimed at improving the economic, social and cultural situation of indigenous peoples and communities. They serve as a complement to many other activities being implemented under the programmes and projects of other Government departments and entities.

Paragraph 146

11. On 4 May 2007, CDI made a donation to the United Nations Voluntary Fund for Indigenous Populations in the amount of 125,000 Mexican pesos.

B. Government efforts in respect of indigenous peoples and the Millennium Development Goals

12. All programmes under the CDI Office for the Coordination of Special Programmes and Projects contribute to the achievement of a number of Millennium Development Goals. It should be noted that their contribution is one among the many programmes and projects implemented by other departments and entities of the various branches of Government which will also contribute to achieving the Goals.

13. The correlation between each of the programmes and each of the Goals is set out in the table below.

Millennium Development Goal	*CDI Programme*	*Contribution*
Goal 1. Eradicate extreme poverty and hunger CDI efforts complement the programmes of the Ministry of Social Development	Programme for the Coordination of Support for Indigenous Production (PROCAP) Indigenous Regional Funds Programme (FR)	The first two programmes support productive projects designed to help the indigenous population increase its income and thereby overcome poverty. PROCAP works in conjunction with the Special Programme for Food Security (SPFS) of the Food and Agriculture Organization of the United Nations (FAO) to combat malnutrition.

Millennium Development Goal	*CDI Programme*	*Contribution*
	Basic Infrastructure for Assistance to Indigenous Peoples (PIBAI)	PIBAI has strengthened coordination with entities at various levels of Government by promoting and supporting the execution of electrification projects, rural and feeder road projects, and drinking water and sewerage projects for the indigenous population.
Goal 2. Achieve universal primary education CDI efforts complement the programmes of the Ministry of Public Education	Programme of Indigenous Education Hostels	This programme offers housing and meals to indigenous children and youth to facilitate the completion of their studies. Providing meals also contributes to the attainment of Goal 1.
Goal 3. Promote gender equality and empower women CDI efforts complement the programmes of the National Institute for Women (Inmujeres)	Indigenous Women's Productive Organization Programme (POPMI)	POPMI generates organizational processes that empower indigenous women and improve their standard of living and quality of life through productive projects, thereby contributing to the achievement of Goal 1 as well.
Goal 4. Reduce child mortality This is the province of the Ministry of Health.	Third level of service	Assistance to the indigenous population with health problems requiring specialized treatment
Goal 5. Improve maternal health This is the province of the Ministry of Health.	Third level of service	Assistance to the indigenous population with health problems requiring specialized treatment
Goal 6. Combat HIV/AIDS, malaria and other diseases This is the province of the Ministry of Health.	Third level of service	Assistance to the indigenous population with health problems requiring specialized treatment
Goal 7. Ensure environmental sustainability CDI efforts complement the programmes of the Ministry of the Environment and Natural Resources (SEMARNAT)	All our programmes emphasize sustainable development Project for the Management and Conservation of Natural Resources in Indigenous Areas	Implementation of projects that promote the use of environmentally friendly technologies is supported and encouraged. Ecotechniques are used at all times in programmes to support the implementation of productive projects.
Goal 8. Develop a global partnership for development	Programme for the Coordination of Support to Indigenous Production (PROCAP) Regional Indigenous Funds Programme (FR)	While support for information and communication technologies is not a priority of these programmes, they do support cyber-cafés in indigenous areas, thereby contributing to the achievement of this Goal.

14. In 2006, CDI drafted "Millennium Development Goals and the indigenous peoples of Mexico", a section of the document entitled *Los Objetivos de Desarrollo del Milenio en México: Informe de Avance 2006 (The Millennium Development Goals in Mexico: advance report 2006)*.

15. In preparing it, various country-programme indicators for each Goal were reviewed and, where possible, the same specific indicators were established for the indigenous population. In cases where this could not be done using the available sources of information, alternative indicators, disaggregated by indigenous and non-indigenous population, were developed. For those indicators on which information is either questionable or did not exist, the corresponding report was submitted.

II. Government efforts with respect to indigenous children and youth, indigenous women, collection and disaggregation of information and free, prior and informed consent

A. Children and youth

16. CDI runs the Programme of Indigenous Education Hostels (PAEI), which provides housing for indigenous children from villages without educational facilities in order to ensure their access to basic education. The programme provides housing, meals and health care, reinforces cultural identity and organizes recreational activities. There are 1,085 indigenous education hostels in 21 states.

17. The Programme provides the following forms of assistance:

(a) Education hostels provide housing and meals;

(b) School dining halls provide meals and other activities for indigenous children and youth staying in the village where the education centre is located and whom a nutrition diagnosis has determined to be in need of food assistance;

(c) Community shelters provide learning support services to students at the basic, middle and higher levels;

(d) Family shelters support families and provide housing and meals to students during the school cycle.

18. Within the framework of the gender equity policy, 46 per cent of the total population in these hostels are girls, an encouraging indicator, given the social and cultural environment of indigenous families.

B. Indigenous women

19. The objective of the Indigenous Women's Productive Organization Programme (POPMI) is to provide substantial and ongoing support to building the skills and capacities of indigenous women living in extreme poverty in order to help them improve their living conditions through productive organization projects.

20. Various meetings of indigenous women were held in 2007, providing an opportunity for an exchange of views, experiences and information on the

organization and operation of their projects. Events were also held in conjunction with state and municipal Governments and with other federal departments or entities, providing an opportunity for various women's organizations to exchange entrepreneurial experiences and to find out about the availability of institutional support.

21. CDI has prepared a follow-up document for the Permanent Forum dealing specifically with the theme of indigenous women. The document is entitled "Programmes and Actions of the National Commission for the Development of Indigenous Peoples (CDI) for indigenous women and the promotion of gender equity".

C. Collection and disaggregation of information

22. In 2007, CDI continued to cooperate with the United Nations Development Programme (UNDP) through the CDI-UNDP project entitled "Indigenous peoples in Mexico: for a culture of information", whose main objective is to promote a culture of information on the country's ethnic and cultural diversity as one of the basic underlying principles for consolidation of the 2008 system of information and indicators.

23. The main activities carried out were:

(a) Completion of the review of basic indigenous indicators at the local level on the basis of the Second 2005 Population and Housing Census taken by the National Institute for Statistics, Geography and Informatics (INEGI). A compact disc entitled "Indigenous Villages 2005", showing pictures of village life and giving specific information on the indigenous population, was made;

(b) Implementation of a project entitled "Establishment of Vector-file Cartography at a scale of 1:250,000 and Road and Electrification Projects for 25 Indigenous Regions". This project incorporates information on roads built or scheduled to be built by PIBAI as well as PIBAI electrification projects in the country's 25 indigenous regions in the 2000-2006 period. It also provides information on PIBAI road and electrification projects for the 2007-2012 period;

(c) With the aim of identifying what the indigenous population is lacking in terms of education, basic social infrastructure, housing and household income, the "social backwardness index" was developed at the level of the state, indigenous regions and municipalities in 2000 and 2005. This study included a backwardness index for each of the above-mentioned variables and an overall social backwardness indicator to help determine strategies for addressing each specific situation and focus action on the municipalities most in need;

(d) The book entitled *Basic Indicators on the Indigenous Population in Mexico* was published. This book gives information on the characteristics of the indigenous population in each state, the human development index for the indigenous peoples in each of the Mexican states, the population of each state by ethno-linguistic group and investment in basic infrastructure between 2002 and 2006;

(e) The project entitled "Analysis of Violence and Women's Health" was carried out jointly with the National Institute of Public Health (INSP) in eight indigenous regions in Mexico. Based on the 2006 Survey of Indigenous Women's

Health and Rights (ENSADEMI, 2006), it analysed data obtained on women's health conditions, and on violence against women and their access to the justice system in eight of the country's indigenous regions. The study contains recommendations on public policy, addressing needs, and on the type of information and research that could be useful. These recommendations were formulated on the basis of the findings of the Survey. An executive report and a general report containing the results of the analysis will be published in 2008;

(f) The integral and sustainable development of indigenous peoples cannot be guaranteed if the natural resources and biological heritage safeguarded by indigenous peoples in their settlements and regions are overlooked. In this connection, a database on natural resources, biodiversity and agro-diversity in the 25 indigenous regions was designed. This database contains information on the collection of water on the basis of annual rainfall isohyets,[2] an inventory of vegetation cover and soil use, the location of protected natural areas and priority areas for the conservation of biological diversity;

(g) An agreement was signed with the National Anthropology and History Institute (INAH) on the joint publication of a book entitled *Biocultural heritage of the indigenous peoples of Mexico*. This book will make information available, for the first time, on the potential of the indigenous territories, which will be useful in formulating public policies that target bio-cultural areas for the in situ conservation of ecosystems through the application of indigenous knowledge of, inter alia, water and soil.

24. The following activities were carried out under the CDI-UNDP cooperation agreement:

(a) A hard-copy version of the *Human Development Report on the Indigenous Peoples of Mexico* (IDH-PI) was published. By analysing the figures in the human development index of the indigenous peoples of Mexico, the differences between the indigenous and non-indigenous populations could be identified, as well as backwardness in the human development of territorial units at the state, regional and municipal levels. The *Human Development Report on the Indigenous Peoples of Mexico 2006* contains a detailed analysis of trends in the indigenous human development index by population sector at the state, regional and municipal levels;

(b) Maternal mortality in indigenous towns was assessed for the purpose of developing an indicator that would measure indigenous maternal mortality and identify risk factors. For the first time, there is an indicator that reflects the level and intensity of mortality among indigenous women in Mexico and establishes the level of maternal mortality in Mexican towns relative to the proportion of indigenous inhabitants;

(c) The National Case-Study on Indigenous Peoples of Mexico, providing information on the social, cultural, economic and political characteristics of the indigenous peoples in contemporary Mexico, was published. This case-study was also translated into Nahuatl, Maya and English. Publication of those versions is scheduled for 2008;

[2] Isohyet: a curve that joins points on a cartographic plane that have the same amount of rainfall in the unit of time considered.

(d) This year, three workshops on socialization indicators were held. The workshops were attended by staff, operators and technicians of the CDI delegations, Focal Points for Indigenous Development (CCDIs) and indigenous radio broadcasters in Baja California, Veracruz and Puebla.

D. Free, prior and informed consent

25. The Act establishing CDI, published in the Official Gazette on 21 May 2003, provides for the establishment of an advisory council designed to function as a consultative body responsible for liaison with indigenous peoples and society at large.

26. The Advisory Council is a collegiate, pluralist body through which CDI seeks to enter into constructive and inclusive dialogue with indigenous peoples and society at large. In accordance with the Act, most of the members of the Council are indigenous people (article 12).

27. The Advisory Council's mandate involves assessing and commenting on Government policies, programmes and activities for the advancement of indigenous peoples and making relevant proposals to the Governing Body of the Commission and its Director-General.

28. In 2007-2008, the Advisory Council was composed of 198 councillors.

29. In the area of consultations with indigenous peoples and communities, the following activities were undertaken:

(a) Consultations on the preparation of the national development plan 2007-2012;

(b) Follow-up to the consultations on conserving the sacred sites of the Huichol people;

(c) Workshop to review the proposed plan for the management of the Wirikuta natural sacred site, in Matehuala, San Luis Potosí;

(d) Follow-up to the consultations on the Marine Ecological Code of the Gulf of California;

(e) Preparation of the final reports and publicity materials relating to the consultations on alcoholism and indigenous peoples and indigenous migration;

(f) Conclusion of the first phase of consultations on HIV and other sexually transmitted diseases;

(g) Holding of four informational seminars for indigenous peoples and communities in the states of Chiapas, Guerrero, Oaxaca and Veracruz in order to raise awareness of the programme for rural electrification from renewable sources in Mexico, as part of the Programme for Comprehensive Energy Services coordinated by the Ministry of Energy;

(h) With regard to the consultation system, ongoing maintenance and restructuring of the web-based system for indigenous consultation and participation (SICOPI).

III. Obstacles to the implementation of the recommendations of the Permanent Forum

30. Recommendations should be fewer in number and focus on tangible results that can be easily monitored.

31. The number of indigenous people living in each country differs from country to country, which hinders the implementation of recommendations by those countries with large numbers of indigenous people because greater budgetary resources are required.

32. Another obstacle is the refusal of some indigenous communities to participate.

33. The limited time frame in which to implement the recommendations is yet another obstacle.

IV. Factors that may facilitate the implementation of the recommendations of the Permanent Forum

34. The following factors may facilitate the implementation of the recommendations of the Permanent Forum:

(a) The establishment of CDI and the consequent strengthening of the body responsible for indigenous peoples and communities, as well as the creation within that body of forums for indigenous discussion, consultation and participation;

(b) The introduction of efficient and effective means of dissemination, such as Mexico's Indigenous Culture Radio Broadcasting System, which is part of CDI;

(c) Greater participation and coordination with Member States of United Nations bodies and, in Mexico's case, with UNDP in its capacity as United Nations Resident Coordinator;

(d) The inclusion of the recommendations of the Permanent Forum in country cooperation arrangements drawn up by international cooperation agencies.

V. Laws, policies and other similar mechanisms to address indigenous issues

35. Article 2 of the Political Constitution confers constitutional status on indigenous rights, which are recognized by International Labour Organization Convention No. 169, and reaffirms a number of the provisions of the now repealed article 4, including:

(a) The multicultural composition of the nation;

(b) The concept of indigenous peoples and communities;

(c) The recognition of the right of indigenous peoples and communities to self-determination and autonomy;

(d) The collective rights of indigenous peoples;

(e) The obligation of the federal Government, states and municipalities to guarantee the realization of indigenous rights and the comprehensive development of indigenous peoples and communities.

36. The collective rights of indigenous peoples and communities are set out in article 2, paragraph A, of the Constitution. Individuals can enjoy those rights by virtue of their status as members of an indigenous community:

(a) Right to be recognized as an indigenous people or community;

(b) Right to self-classification;

(c) Right to autónomy;

(d) Right to self-determination;

(e) Right to apply internal legal systems;

(f) Right to maintain cultural identity;

(g) Right to land and territory;

(h) Right to be consulted and participate;

(i) Right to full access to the justice system;

(j) Right to development.

37. At the federal level, legislation has evolved even more slowly, and changes have been less dramatic and somewhat superficial. It would therefore appear that internal debate and personal commitment are needed if the intercultural phenomenon is to be fully understood.

38. Only a few federal laws have been amended as a result of the 2001 reform. To date, we have identified and assessed only 30 acts and codes which make some reference to the topic at issue:

- Act establishing the National Commission for the Development of Indigenous Peoples (CDI);
- General Act on the Linguistic Rights of Indigenous Peoples;
- Federal Code of Civil Procedure;
- Federal Criminal Code;
- Federal Code of Criminal Procedure;
- Attorney-General's Office Organization Act;
- Act on the Treatment of Juvenile Offenders for the Federal District for Ordinary Crimes and for the Entire Republic for Federal Crimes;
- Social Rehabilitation of Convicts (Minimum Standards) Act;
- Federal Public Defenders Act;
- General Act on Ecological Balance and Environmental Protection;
- General Wildlife Act;
- General Act on Sustainable Forestry Development;

- Act on Sustainable Rural Development;
- Act on the Biosafety of Genetically Modified Organisms;
- Agrarian Act;
- General Education Act;
- Act on the Protection of the Rights of Children and Adolescents;
- General Health Act;
- Social Insurance Act;
- General Act on Persons with Disabilities;
- Federal Civil Service Organization Act;
- Capitalization Act of Programa de Apoyos Directos al Campo (Programme for Direct Support to the Rural Areas) (PROCAMPO);
- Act on Civilian Awards, Incentives and Bonuses;
- Act on the National Coat of Arms, Flag and Anthem;
- General Act on Women's Access to a Life Free From Violence;
- Planning Act;
- General Act on Social Development;
- Social Security Act;
- Federal Act for the Prevention and Elimination of Discrimination;
- Federal Copyright Act.

39. The purpose of CDI is to guide, coordinate, promote, support, foster, follow up and evaluate Government programmes, projects, strategies and activities aimed at the comprehensive and sustainable development of indigenous peoples and communities and the full exercise of their rights, in accordance with article 2 of the Political Constitution.

40. The following principles guide the work of CDI:

(a) Respect for the multi-ethnic and multicultural nature of the nation;

(b) Support for activities to eradicate discrimination and social exclusion and to construct a society that will be inclusive, pluralist, tolerant and respectful of intercultural differences and dialogue;

(c) Promotion of a holistic and cross-cutting approach to policies, programmes and activities implemented by the federal Government for the advancement of indigenous peoples and communities;

(d) Promotion of sustainable development in order to ensure the rational use of natural resources from indigenous regions without endangering the heritage of future generations;

(e) Inclusion of a gender perspective in policies, programmes and activities implemented by the federal Government to promote the participation of indigenous women, respect for their rights, equity and unrestricted opportunities;

(f) Consultations with indigenous peoples and communities whenever the federal executive branch initiates legislative reform, administrative acts, development programmes or projects having a significant impact on the quality of life and surroundings of those groups.

41. The functions of CDI are:

(a) To support and cooperate with federal bodies in order to formulate and monitor policies, programmes and activities;

(b) To coordinate with state governments and negotiate with the public and private sectors in order to implement programmes and activities;

(c) To design and operate a system of consultation and participation for indigenous peoples and communities;

(d) To carry out research and studies;

(e) To draw up and implement programmes and activities for the advancement of indigenous peoples in cases where such activities do not fall within the purview of other bodies;

(f) To develop capacity-building strategies in order to devote greater attention to the needs of indigenous peoples;

(g) To propose and promote the measures needed to comply with the provisions of article 2 (b) of the Political Constitution.

42. In order to mainstream a multicultural perspective into their work, a number of Government departments have established specialized bodies or sections to deal with indigenous issues.

43. It should be noted that certain Government departments have to deal with a significant demand for services from indigenous people. The table below shows that structures for addressing the needs of indigenous people exist only in the areas of education, health, access to justice and protection of human rights; the remaining Government departments lack such mechanisms.

Unit	*Hierarchical position*	*Responsibilities*
Special Indigenous Affairs Unit	Part of the Office of the Assistant Attorney-General for Human Rights, Victim Support and Community Services of the Office of the Attorney-General	Dealing with federal offences involving individuals belonging to indigenous groups; formulating technical and legal opinions on proceedings involving indigenous peoples; coordinating with other bodies; acting as a focal point for relevant experts
General Coordinating Office for Bilingual Intercultural Education	General Directorate for Indigenous Education, part of the Department of Basic Education and Teacher Training of the Ministry of Public Education	Improving the quality of educational services provided to indigenous peoples; promoting bilingual intercultural education for indigenous peoples at all levels and developing intercultural education for all Mexicans; proposing and monitoring pedagogical standards, curricula, study plans and programmes,

Unit	*Hierarchical position*	*Responsibilities*
		teaching methods, materials and aids, and mechanisms to evaluate learning within the indigenous educational system
National Institute of Indigenous Languages	Decentralized agency of the Ministry of Public Education	Preserving, strengthening, developing and promoting indigenous languages; proposing public policies to protect those languages and ensure their continuing use in all areas of daily life in their respective territories of origin and areas of influence
Directorate for Traditional Medicine and Intercultural Development	General Directorate for Health-Care Planning and Development, Ministry of Health	Adopting a holistic approach to health care for indigenous peoples and communities in order to ensure effective access to health-care services by broadening the coverage offered by the national system and making appropriate use of traditional medicine; promoting proper nutrition among the indigenous population, particularly children, by means of food programmes
General Directorate for Popular Culture	Agency of the National Council for Culture and the Arts	Promoting the study, conservation, dissemination and development of Mexico's popular and indigenous cultures
Sub-Directorate for Indigenous Peoples	Part of the Sub-Directorate-General for Social Participation, Ethnicity and Gender of the Ministry of the Environment and Natural Resources	Participating in efforts to improve the quality of life of indigenous peoples through a series of activities focusing on the management, conservation and sustainable use of natural resources and of the biodiversity present in indigenous territories
National Council for the Prevention of Discrimination	Agency attached to the Ministry of the Interior	Implementing measures designed to prevent and eliminate discrimination

VI. National bodies dealing with indigenous affairs

44. The Mexican Government has established CDI, a decentralized, autonomous federal Government agency with a legal personality, its own resources and functional, technical, budgetary and administrative independence. CDI has its head office in the Federal District of Mexico City and operates in 24 states of the Mexican Republic through 110 Focal Points for Indigenous Development (CCIDs), one Centre for Research, Information and Documentation (CRID) on the Indigenous Peoples of Mexico, 28 regional CRIDs and 1,085 indigenous education hostels.

45. For more detailed information on CDI, please consult the following website: www.cdi.gob.mx.

VII. Training programmes on indigenous issues for civil servants

46. CDI has set up a capacity-building programme, the objective of which is to develop guidelines and design and implement training schemes and models relating to strategic areas of indigenous policy with a view to strengthening institutional capacity to address the specific issues facing indigenous peoples.

47. During the period in question, priority attention was devoted to building capacity in areas relating to access to justice, including the delivery and administration of justice and prosecution. The following activities should be highlighted:

(a) Design of a specialized course on indigenous law geared towards public defenders and staff of the Federal Institute of Public Defence and CDI;

(b) Seminar entitled "Indigenous rights and access to the criminal justice system", geared towards policy officials from the Office of the Attorney-General and civil servants dealing with issues relating to the human rights of indigenous peoples;

(c) Seminar entitled "Mediation, restorative justice and other alternative forms of justice in indigenous communities", geared towards staff from the Ministry of Public Security and designed to take those mechanisms into account in the context of crime prevention strategies;

(d) Training workshop on mediation in disputes relating to indigenous issues, geared towards community liaison officers from regional offices and CCID staff;

(e) First meeting of indigenous judges in the state of Hidalgo in order to evaluate judicial proceedings within indigenous communities and the authority figures responsible for dispensing justice within those communities;

(f) First inter-institutional professional diploma for indigenous interpreters and/or translators awarded in the state of Guerrero.

48. CDI introduced its Professional Career Service (SPC) on 1 January 2008, in accordance with the decision taken by its Governing Body on 9 April 2007. With a view to enhancing the professionalism of civil servants, the Service will work to improve the transparency of the Commission's procedures for recruitment and selection, the award of incentives and the evaluation of staff performance, and to ensure that those procedures offer equal opportunities and are merit-based. Those efforts will result in improved and integrated management and enhance the quality of the work done by the Commission to ensure the sustainable development of indigenous peoples and communities.

VIII. Activities relating to the goal, objectives and programme of action of the Second International Decade of the World's Indigenous People

49. While CDI is not aware of any specific national plan for the implementation of the goal, objectives and programme of action of the Second International Decade of

the World's Indigenous People, they do inform the activities of its own staff, particularly those relating to the implementation of programmes and projects.

50. In order to achieve the comprehensive development of indigenous peoples and communities, CDI collaborates with lead Government agencies in the relevant areas. However, CDI does not have sole responsibility for indigenous affairs. The programme of action of the Second International Decade refers to issues such as health, culture, education, human rights, the environment and economic and social development. CDI is not responsible for guiding public policies on those issues or for the total amount of resources allocated, and thus the design and implementation of the aforementioned plan does not fall within its exclusive purview.

51. In addition to CDI, the departments responsible for dealing with the above-mentioned issues are:

(a) Culture: National Council for Culture and the Arts (CONACULTA);

(b) Education: Ministry of Public Education, National Institute of Indigenous Languages (INALi);

(c) Health: Ministry of Health;

(d) Human Rights: Ministry of the Interior;

(e) National Commission on Human Rights (CNDH);

(f) Environment: Ministry of the Environment and Natural Resources, National Commission on Biodiversity, National Forestry Commission (CONAFOR), among others;

(g) Economic and Social Development: Ministry of Social Development.

IX. Special theme of the seventh session of the Permanent Forum: "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"

52. The Mexican Government views climate change as a priority issue. Accordingly, on 25 April 2005 it established the Inter-Ministerial Committee on Climate Change (CICC), the purpose of which is to coordinate national activities relating to the design and implementation of relevant policies.

53. CICC is composed of seven Government ministries[3] and its standing chairman is the Minister for the Environment and Natural Resources. The Committee has also established an Advisory Council on Climate Change, which brings together representatives of civil society, academic institutions and members of the Council for Sustainable Development.

54. In May 2007, the President of the Republic introduced the national strategy on climate change. Civil society provided input into the strategy, as illustrated by the

[3] Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food; Ministry of Communications and Transport, Ministry of the Economy, Ministry of Social Development; Ministry of the Environment and Natural Resources; Ministry of Energy and Ministry of External Relations. The Ministry of Finance and Public Credit is a permanent observer.

fact that, on 2 August 2006, the Advisory Council held a public consultation to assess the draft version.

55. Although indigenous representatives have been encouraged to take part in such consultation exercises, their participation still falls short of the desired levels. Accordingly, during the preparation of the special programme on climate change for 2008-2012, one of the primary objectives will be to promote the widespread participation, at the national, regional and local levels, of indigenous peoples on issues relating to climate change.

X. Information relating to the promotion of the United Nations Declaration on the Rights of Indigenous Peoples and suggestions as to how the Permanent Forum can, in accordance with article 42 of the Declaration, enter into constructive dialogue with Member States to promote respect for and full application of the provisions of the Declaration and follow up the effectiveness of the Declaration

56. The measures taken to date by the International Affairs Unit of CDI in order to promote the Declaration are as follows:

(a) On 14 September 2007, the text of the Declaration was posted on the CDI website at the following address: http://www.cdi.gob.mx/index.php?id_seccion=2068;

(b) On 31 October 2007, with assistance from the Department of Information Technology and Telecommunications of the Sub-Directorate-General for Innovation and Progress, all CDI employees were sent an e-mail containing the text of the Declaration and the text of the statement made by the Mexican delegation when it voted in favour of the adoption of the Declaration for dissemination to the general public;

(c) On 31 October 2007, official letter No. UPC/AAI-213/07 was sent to Renato Vera Osuna, General Coordinator for Regional Offices of the Coordination and Liaison Unit (UCE). The letter asked him to distribute the Declaration to CDI regional offices and CCIDs and instructed him to ensure that it was disseminated to the general public;

(d) In response to the aforementioned letter, Renato Vera Osuna issued circular No. UCE/CGD/037/07, dated 5 November 2007, to regional and subregional offices, heads of department, CCID directors and chiefs of indigenous radio stations. The circular contained a copy of the Declaration and underlined the obligation of all staff working with CDI to be familiar with it and to keep it in mind when exercising their functions. It also called on staff to disseminate the Declaration and even suggested establishing reading and study groups;

(e) On 31 October 2007, in official letter No. UPC/AAI-214/07, the Unit asked the Director of Intercultural Communication for UCE, to prepare scripts for radio spots on the Declaration so that it could be disseminated in the various indigenous languages over the Indigenous Culture Radio Broadcasting System. The Director of Intercultural Communication for UCE has already submitted the relevant

proposals, which are currently being reviewed by the Department of Indigenous Rights and the International Affairs Unit;

(f) The aforementioned letter also called for the Declaration to be reprinted in booklet form so that it could be distributed, initially in the Spanish language. The first batch of 7,000 copies will be distributed to CDI head offices, regional offices, CCIDs, the Indigenous Culture Radio Broadcasting System and the members of the Advisory Council, as well as the Ministry of Foreign Affairs and international affairs units of the various other ministries;

(g) As part of its work within the framework of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (Indigenous Peoples' Fund), CDI has already expressed its wish to take part in the programme on indigenous peoples' rights so that it can use resources from the Fund to print booklets containing the Declaration in the main indigenous languages spoken in Mexico;

(h) During the special session to discuss the draft American Declaration on the Rights of Indigenous Peoples, which took place at the headquarters of the Organization of American States in Washington, D.C. on 26 and 27 November 2007, the Mexican delegation, which included three CDI staff members, supported the proposal on the establishment of an action plan for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the hemisphere put forward by the Cónclave Indígena de las Américas.

57. **CDI recommends that the Permanent Forum should organize a meeting with its experts with a view to providing information both to individuals and to the authorities responsible for ensuring the effective enjoyment of the rights enshrined in the Declaration. CDI also suggests that the meeting should be recorded and distributed in digital form, with interpretation into all official languages of the United Nations, so that States can disseminate it to a larger number of individuals.**

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Special theme: "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"

Implementation of the recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals

Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Ongoing priorities and themes and follow-up

Information received from governments

Bolivia**

I. Introduction

1. Bolivia is going through one of the most momentous eras of its history. The force of social movements, of which indigenous native and peasant organizations are an essential part, has ushered in a new country; the water war of 2000 followed by the gas war of October 2003 culminated in the historic election victory of Evo Morales Ayma as the country's first indigenous President. The demand for the nationalization of natural resources and a reconstituted Bolivian State through a Constituent Assembly marked a clean break from the past from which would emerge a new country.

2. In this context, the Government is committed to defending, guaranteeing and promoting indigenous peoples' rights. Today, indigenous native and peasant groups have a stake in government and are involved in government decision-making. Indigenous and peasant issues, which in the past were treated separately, indeed,

* E/C.19/2008/1.
** The submission of the present report was delayed in order to include the most recent information.

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almost paternalistically, are now part and parcel of the national and multicultural identity.

3. As a result, the Government of President Morales has convened the Constituent Assembly to approve a new political Constitution for Ecuador[1] setting forth indigenous peoples' rights; that Constitution was approved in 2007.

II. Response to recommendations addressed to governments at the sixth session of the Forum[2] and at previous sessions

4. The most important measure in the area of natural resources was the nationalization of hydrocarbons, which resulted in a substantial increase in the direct tax on hydrocarbons, and subsequently in an increase in the economic resources of the Development Fund for Indigenous Native and Peasant Peoples established by Supreme Decree 28421. Under the Decree, 5 per cent of the direct tax will be allocated to this Fund. In that regard, the 2007 figures for the tax reflect just how much this Fund has grown. In 2005, the tax amounted to Bs.894,576,715.46 (about US$ 117 million), while in 2007 it rose to Bs.1,974,060,921 (nearly US$ 260 million). Thus, the tax has been used to fund projects in predominantly indigenous rural areas. Therefore, the development of natural resources directly meets the Millennium Development Goal targets of poverty eradication, universal education, reduction of infant mortality and improvement in maternal health, while ensuring the enjoyment of indigenous peoples' rights.

III. The Forum's special emphasis on indigenous children and youth, indigenous women, data collection and separation, and free, prior and informed consent

5. The Political Constitution approved by the Constituent Assembly is a milestone in the country's history, since it dedicates a specific chapter to the protection, welfare and advancement of children and indigenous women. It recognizes, for example, that indigenous children have a right to socio-cultural identity and to inter-cultural education that safeguards their own culture. It also recognizes that indigenous women have a right to safe motherhood with a practical inter-cultural outlook.

6. Another major step forward in the area of legislation on indigenous women worth noting is the access of women to land provided for under Act No. 3545, on land redistribution, and its implementing regulations.

7. With regard to consultation and participation, Supreme Decree 29033 of 16 February 2007 on consultation of indigenous peoples and peasants on hydrocarbon issues, was approved. It is based on International Labour Organization

[1] http://abi.bo/coyuntura/asamlblea/nueva_cpe_aprobada_en_grande_en_detalle_y_en_ revision.pdf.

[2] The recommendations to governments at the sixth session of the Forum can be found in paragraphs 2, 13, 14, 19, 20, 21, 22, 23, 26, 33, 37, 39, 40, 41, 42, 43, 44, 50, 51, 53, 56, 57, 61, 65, 66, 71, 72, 74, 78, 81, 82, 95, 96, 103, 109, 110, 112, 115, 116, 118, 119, 123, 128, 130, 133, 137, 145, 146, 147 and 153 of the report (*Official Documents of the Economic and Social Council, 2007, Supplement No. 23* (E/2007/43)). See www.un.org/esa/socdev/unpfii/en/session_sixth.html.

Convention No. 169 and Act No. 3058 on hydrocarbons, which includes a specific chapter on indigenous peoples' rights. It should be noted that, despite the ratification by the Bolivian State of Convention No. 169 through Act No. 1257 in June 1991, consultation was never enforced nor carried out adequately. Decree 29103 of 2007 on the monitoring of the socio-environmental impact of hydrocarbon activities was approved almost simultaneously.

8. A draft regulation on consultations with regard to mining activities is being developed jointly with indigenous peoples' organizations. Mining is one of the most sensitive sectors given the increase in mineral prices on the market and the fact that some mining interests are inimical to indigenous peoples' rights.

9. The right to consultation has also been enshrined in the new Constitution.

IV. Obstacles to the implementation of recommendations of the Permanent Forum

10. The ongoing changes in the country in favour of indigenous peoples have been hampered in particular by economic power groups that used to wield political power in the country during nearly the entire previous era of democracy. Today, they have lost their privileges and are resisting the social changes. One of the biggest obstacles has unfortunately been racism. Particularly striking were the acts of discrimination that occurred in January 2007 in the Department of Santa Cruz, where groups of young fascists and Nazis, members of the Unión Juvenil Cruceñista, claiming to defend the department, repeatedly insulted and assaulted peasants.

11. Another major act of racism occurred in the city of Cobija, where groups of peasants were intimidated, threatened and attacked for not "defending" local "interests". However, the most dramatic event occurred in the city of Sucre, seat of the Constituent Assembly, where young university students attacked, insulted, beat and spat on indigenous members of the Assembly and indigenous and peasant organizations that supported the Constitution. Epithets such as "he who does not jump is an idiot" or "Indians are a mixture of adobe and llama" show how deeply entrenched racism still is in Bolivian society. The political opposition to the Government, feeding off social movements, has exploited this fact. Racism, under the pretext of safeguarding the "Bolivian nation" as a homogenous entity, has given rise to acts of persecution, violence and intolerance, the flames of which are fanned by circles close to the former power groups.

12. The acts of discrimination were denounced by the President of Bolivia and documented by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, during his visit to Bolivia from 25 November to 7 December 2007. In the preliminary note on his mission (A/HRC/6/15/Add.2), the Special Rapporteur noted that:

> "One of the main issues that drew the attention of the Special Rapporteur (...) is the serious persistence of racism and discrimination against indigenous people, and especially against indigenous women (...) in the attitudes of political parties and pressure groups, which sometimes incite violence against persons based on their indigenous status. Expressions of anti-indigenous racism frequently occur in some media, which often sacrifice the principles of objectivity and impartiality for the sake of political interests. It is a matter of

concern that the current political conflict in Bolivia has given rise to a resurgence in manifestations of racism more suited to a colonial society than a modern democratic State."

13. In order to combat this problem, the Government is currently carrying out extensive research into discrimination in Bolivia. The findings will be used to develop appropriate measures, including awareness-raising campaigns on the issue. At the same time, anti-discrimination legislation is being drafted that would provide for penalties for such racist acts.

14. In order to implement the recommendations of the Permanent Forum, Bolivia must invest in the development of education and training programmes for civil servants at the local, regional and national levels. It also needs to disseminate the main instruments on indigenous peoples' rights among indigenous peoples' organizations and institutions and non-indigenous public agencies.

15. Notwithstanding the fact that the changes have been initiated by the social organizations themselves, as noted by the Special Rapporteur, obstacles are being encountered in the implementation of the Permanent Forum's recommendations at the lower levels of government, such as prefectures and municipalities of regions opposed to the Government of President Morales.

V. Facilitating factors for the implementation of recommendations

16. The social, political and economic context is very favourable for indigenous peoples and peasants because of the firm leadership of President Evo Morales Ayma, who has promoted the strengthening of indigenous peoples' rights and appointed indigenous representatives and persons to positions at all levels of Government.

17. There is no doubt that Bolivia's new Constitution marks a turning point. Indigenous issues are present in each and every one of the chapters either directly or as part of the multicultural approach.

18. Indigenous values of duality, complementarity and reciprocity, as reflected in *Suma Qamaña* (living well), distinct from living better, have been mainstreamed into Government policy. These values have also been reflected in the new Political Constitution of Bolivia. The concept of a plurinational State represents a sea change, as it includes the country's majority population groups that were excluded at the birth of the Republic.

19. It should also be noted that those values were reflected in the National Development Plan under the pillar entitled "Bolivia Democrática" (Democratic Bolivia) that clearly reflects the priority attention accorded to development policies for indigenous peoples and native indigenous nations. Such is the case, for example, of land, rural development and education policies.

VI. Policy on indigenous peoples' issues and other similar tools and mechanisms

20. Over the course of two years, the Government has issued some 20 supreme decrees in favour of indigenous native peasant peoples and three substantive basic laws to promote change (land redistribution, convening of the Constituent Assembly and approval of the United Nations Declaration on the Rights of Indigenous Peoples). The fundamental change effected by the Bolivian Government is the new emphasis placed on indigenous peoples' rights. Such legislation, which was drafted with input from indigenous and peasant organizations, now promotes structural changes.

A. Convening of the Constituent Assembly

21. The Constituent Assembly was convened by Act No. 3364 of 6 March 2006; it was both in response to the long-standing demands of indigenous and peasant organizations/social movements and part of the October (2003) Agenda.

B. Political Constitution

22. On 14 December 2007, the Constituent Assembly approved Bolivia's new Political Constitution. This is one of the most momentous events in the country's history as a Republic, since it consolidates the changes occurring in Bolivia. The Constitution, which is to be submitted to a referendum, reflects the most significant progress with respect to indigenous peoples' rights. The Special Rapporteur of the Commission on Human Rights on the right to food noted that the Constitution set an example worthy of emulation by all the peoples of the world.

23. The most important main areas of progress of the Constitution are set out below.

Plurinational, communal and multicultural State

24. This is an unprecedented development at both the national and international levels, with various nations making up a single unitary State. As a result, Bolivia has served as a model for other countries. In that connection, the international workshop entitled "Indigenous peoples, constitution and plurinational States" organized by the Andean Coordinator of Indigenous Organizations (CAOI) in January 2008 adopted a declaration that stated:

> "... we participated in this workshop, which took place at a time when South America is going through structural political changes and experiencing resistance to the empowerment of indigenous peoples, who are demanding and achieving political changes in the old nation-States that are increasingly privatized and denationalized; they are opening up new opportunities for participatory democracy and social equity that will enable the people to 'live well'/Sumaq Kawsay/Sumaq Qamaña and do away with neoliberal developmentalism."
>
> "We denounce the fact that, in our lands and territories of Abya Yala, we also have to tackle continuing conflicts brought about by the invasion of such

territories, persecution by judges and the police and increased criminalization of our rights and movements as a result of policies in favour of looting by transnational corporations supported by so-called democrats."

"We note that in Bolivia the indigenous peoples' movement and the society excluded from the Eurocentric (neo-colonial) policy have been fighting to bring about changes and it is the fascism of the right that is preventing, blocking, sabotaging and manipulating the mass media in order to prevent the President, brother Evo Morales, from implementing the changes for which the overwhelming majority of Bolivians voted."

25. For all those reasons, they agree and proclaim before Abya Yala (the Americas) and the world their firm resolve as indigenous peoples to integrate Abya Yala in order to reconstitute its peoples, and fight for the inclusion and establishment of plurinational States and multicultural societies.

Decolonizing Constitution

26. The Constitution sets forth the idea of thinking for ourselves without the imposition of other cultures and other ways of thinking.

Self-determination

27. The Constitution guarantees the right of all the country's indigenous nations and peoples and peasants to self-determination.

Specific chapter on the rights of the indigenous native peasant nations and peoples

28. While the Constitution adopts a cross-cutting approach to indigenous and native issues, it also contains a specific chapter on the rights of indigenous native peasant nations and peoples.

Health and education

29. The Constitution contains specific chapters on health and education, which are recognized as being cross-cultural, intracultural and multilingual.

Indigenous native peasant jurisdiction

30. The Constitution recognizes and respects this jurisdiction, which is no longer treated as only communal justice.

Official languages

31. All indigenous languages are recognized as official languages under the Constitution.

Communal democracy

32. The Constitution recognizes communal democracy as one of the forms of democracy in the country.

Indigenous identity

33. In order to avoid conflicts of self-identification, the Constitution recognizes all the nations and peoples under a single umbrella term: indigenous native peasant peoples.

Autonomy of indigenous native peasant peoples

34. The types of autonomy in this area formally recognized under the Constitution include the right to self-government and the right of self-determination of nations and peoples.

Land and territory

35. The Constitution recognizes, protects and guarantees community and collective ownership of the lands and territories of indigenous native peasant peoples and native communities of mixed descent. It expressly forbids large estates and clearly defines what constitutes a large estate and provides that the maximum size of a large estate (5,000 to 10,000 hectares) shall be decided through a national referendum. The Constitution further provides that property on which forced labour is found to be practised shall revert to the State and that the State regulates the land market.

Women's right of access to land

36. The Constitution embodies this right, which is already established by law.

37. It can safely be said that there has never been in Bolivia's history a Constitution providing clearly for indigenous peoples' rights. The new Constitution has included the rights established both in ILO Convention No. 169 and in the Declaration on Indigenous Peoples' Rights. It can even be stated that the Constitution goes well beyond the scope of those international instruments. Once the Constitution is adopted through referendum, there will be a need to enact implementing legislation (communal justice, autonomy for indigenous peoples, cross-cultural approach to government, etc).

C. Land Redistribution Act

38. Act No. 3545 of 28 November 2006 on land distribution has introduced a new approach to land. The Act provides for the distribution, through expropriation, of land to indigenous native peasant peoples, consolidates land regularization and the titling of native communal lands as collective property. The Act was an agrarian revolution brought about by the indigenous and peasant movements. In a nutshell, the agrarian revolution was achieved through land redistribution.

39. Here is another fundamental fact that shows the progress achieved in the area of indigenous peoples' land rights: in the two years that President Morales has been in power, a total of 10.2 million hectares of land has been regularized at a cost of $1.50 per hectare compared to the 1996-2005 period, when 9.2 million hectares were regularized at a cost of $9.66 a hectare. Months before the Land Redistribution Act, decrees 28733 to 28738 changing the unequal access to land and the land system tenure, were enacted.

D. Act No. 3760 of 7 November 2007

40. Act No. 3760, which approved the United Nations Declaration on the Rights of Indigenous Peoples, has become a legally binding instrument.

E. Eradication of slavery and liberation of the Guarani people

41. Supreme Decree 29292 of 3 October 2007 established the interdepartmental council for the eradication of forced labour and similar systems and sets free the enslaved Guarani peoples on the basis of an interdepartmental plan. This measure is unprecedented although the existence of these enslaved communities has been common knowledge. The interdepartmental plan will cover a total of 580 enslaved indigenous families that, according to government estimates of September 2007, are in the departments of Tarija, Santa Cruz and Chuquisaca where the Guarani people are located. The Supreme Decree of 28 November 2007 provides for the expropriation of 180,000 hectares. This process, which will take a few months, has already been started.

F. New development paradigm

42. Supreme Decree 29272 of 12 September 2007 approved the National Development Plan (2006-2011) that introduces a new holistic development paradigm, starting from indigenous education: living well. Four policy pillars are established to that end: a worthy Bolivia, focusing on areas such as poverty eradication, the equitable distribution of income, resources and opportunities, health, education; a productive Bolivia, that focuses on integrated productive complexes to generate employment; a democratic Bolivia, understood as the establishment of a plurinational communal State, where the people exercise control over social and community issues; and a sovereign Bolivia, making decisions without outside interference. Indigenous native peasant organizations are involved in all the pillars, especially the one on democratic Bolivia.

G. Regional development forums

43. In order to develop regional development plans consistent with the comprehensive approach of the National Development Plan, a number of development forums were organized in selected regions of the country. The views and proposals of the peoples and indigenous native peasant nations of those areas were solicited and reflected at those forums. As of 2007, four regional forums have been held (Amazon region, Pantanal region, northern Potosí and south-eastern Potosí).

44. All stakeholders of the regions, including non-governmental organizations, universities, municipalities and prefectures, participated in the forums alongside indigenous native peasant organizations. The forums also decided that development was not only based on production.

H. Right to education

45. Three basic measures were taken in this area:

(a) The Avelino Siñani education bill, drafted with input from indigenous and peasant organizations, which provides for multicultural, inter-cultural, bilingual and decolonizing education;

(b) The Juancito Pinto scholarship, under which Bs.200 is allocated to every pupil in grades one to six in public schools. In addition to preventing children from dropping out of school, the scholarship has been of great benefit to children from indigenous rural areas. A total of 1,321,821 boys and girls benefited from the programme; hence revenues from the direct tax on hydrocarbons have a positive direct impact on indigenous peoples' human rights;

(c) Under the national programme entitled "Yo sí puedo" (Yes I can), which was launched in cooperation with Cuba, over 23,000 literacy centres were established throughout the country, focusing especially on rural areas. In 2007, some 9,011 people were taught to read and write in Quechua while 6,029 were taught to read and write in Aymara. The figures show that the greatest impact was in areas inhabited by indigenous people. According to 2001 census figures, some 37 per cent of rural women were illiterate.

I. Right to health

46. Three fundamental measures were taken in this area:

(a) Under the national programme entitled Operación Milagro (Operation Miracle), also developed together with Cuba, free eye operations were performed on over 145,000 people, especially in rural areas with predominant indigenous populations;

(b) The Zero Malnutrition Programme under which mothers are given supplementary food targets the poorest municipalities that are the most vulnerable in terms of food security;

(c) The draft universal health insurance scheme designed to benefit in particular indigenous peasant individuals in rural areas.

J. Army equal opportunities programme

47. Traditionally, the army has been viewed as a tool of repression. It is now part of the process of change. In 2007, in order to stamp out the stigma of discrimination and combat exclusion, the army enlisted 25 indigenous women hailing from the eastern and western parts of the country under its equal opportunities programme.

K. Dignity pension

48. From 1 February 2008 the Government started paying the dignity pension established under Act No. 3791 to every Bolivian man and woman 60 years and older in the country. Payments are made annually. The beneficiaries will basically

be the overwhelming majority of the population, the indigenous peoples, who never enjoyed any pension income. This pension falls under the worthy Bolivia pillar of the National Development Plan, since it basically helps to eradicate poverty and exclusion.

L. Communal radio stations

49. The Constitution provides for the establishment of 30 communal radio stations. As of the preparation of this report, 23 communal radio stations had been established and seven were being set up.

VII. National institutions

50. As explained earlier, the Government of Bolivia now considers the indigenous native peasant peoples as a part and parcel of the entire State structure. Therefore, it sees no need for a specific body responsible for indigenous peoples' rights. On the other hand, a cross-cutting approach is maintained through the indigenous peoples' rights mainstreaming bureau that is under the Ministry of the Presidency. Apart from mainstreaming indigenous peoples' rights into public policies under the National Development Plan, the bureau is also responsible for raising awareness of, disseminating information on and providing training with respect to such rights. Work in 2008 will focus on ethnically sensitive indicators and a study will be conducted on the status of indigenous peoples' rights in five ecoregions of the country.

VIII. Training programmes on indigenous issues for civil servants

51. The Government of Bolivia has sustained inter-cultural sensitivity training programmes for civil servants. For example, the national personnel administration service (SNAP) has implemented training programmes at the diploma level for civil servants working in the ministries and decentralized government agencies. The programmes cover subjects such as indigenous history and culture, indigenous philosophy and thought, indigenous politics, power and authority and native languages.

52. Like SNAP, private and public universities and other institutions of higher learning have begun the important task of training suitable staff in inter-cultural issues and knowledge of indigenous political culture.

IX. Planned activities relating to the Second International Decade of the World's Indigenous People

53. Basically, the National Plan of Action and the Political Constitution fully meet and comply with the goals, objectives and programme of action of the Second International Decade of the World's Indigenous People. The Government of Bolivia has implemented in sector ministries specific programmes for the achievement of the objectives of the Second Decade.

X. Information and suggestions regarding the special theme of the seventh session of the Permanent Forum

54. The Bolivian Government welcomes the fact that the Forum has included the deep-rooted indigenous philosophy of "living well" that it is promoting.

55. We wish to clearly state the Bolivian Government's position on biofuels. In that regard, the President stated during a debate at the sixty-second session of the General Assembly on the environment that: "we should work together to see how we can save planet Earth, which is the most important thing right now if we wish to save lives and humanity (...). Yesterday, too, I heard, and tried to understand, some statements about biofuels and agrofuels. I cannot accept our use of agricultural products to power cars. I cannot understand how the fruits of the earth could be turned into junk. I believe that food should be for human consumption and that the soil should sustain life".

56. The document "Climate change and living well" is annexed hereto.

XI. Information regarding the promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples and suggestions on how the Permanent Forum on Indigenous Issues can engage in a constructive dialogue with Member States to promote respect for and full application of the provisions of the Declaration

57. The Government of Bolivia, conscious of its commitment to indigenous native peasant movements, granted legal status to the United Nations Declaration on the Rights of Indigenous Peoples by the adoption of Act No. 3760 of 7 November 2007. Accordingly, the Declaration no longer has solely moral and political force but also legal force, in view of its binding nature. Bolivia has therefore taken the lead in the field of indigenous rights, since it is the first country in the world to have taken this measure.

58. The adoption of the Declaration marks a new achievement for indigenous peasant organizations and has helped to substantiate their demands. For that reason, in October 2007 the Government and these organizations jointly held an indigenous world forum to mark the adoption of this international instrument. The Declaration, in conjunction with ILO Convention No. 169, the national development plan and the new Political Constitution of the State, constitutes the basis of indigenous rights in Bolivia.

59. Comprehensive work remains pending with respect to analysis, discussion and dissemination of the Declaration, which the Forum could collaborate on through the cross-cutting component.

Annex

Climate change and living well: Bolivia's recommendations to the communities and nations of the world

Unbridled industrialization

1. In his addresses to the world from United Nations Headquarters at the high-level event on climate change on 24 September and at the plenary of the General Assembly held in the same month, the President of the Republic of Bolivia, Mr. Evo Morales Ayma informed the international community that the system destroying planet Earth, owing to the excessive, unbridled form of industrialization practised in some countries, was increasing the ecological debt and destroying the way of life and the age-old cultures of Bolivia's indigenous peoples.

2. He stated that concentrating capital in the hands of the few was not a solution to the problems of humanity or human existence. Indeed, doing so caused so many lives to be lost to floods, interventionism or war, and so many others to hunger, poverty and preventable diseases.

3. He also mentioned that all of us will die if we do nothing to stop global warming and climate change: rich and poor, indigenous and non-indigenous, professionals and non-professionals alike. The money possessed by any country, region or capitalist, even a transnational corporation, will then serve no purpose.

4. There is no doubt that Mother Earth (Pacha Mama) is mortally wounded as a consequence of the Western culture of domination over nature and of capitalist and socialist accumulation models. The planet's natural resources are being drastically depleted as a result of overexploitation. Every year, industrialized nations consume 30 per cent more resources than the Earth is able to regenerate, thereby threatening both the survival of the planet and the well-being of humanity.

Paying the ecological debt

5. At the same time, an energy crisis is looming on the horizon. Irresponsibly, Western "civilization" has made all of us totally dependent on the overexploitation of oil. So dependent are we that we can no longer maintain this civilization without continuing to have steadily increasing supplies of this so-called "black gold". While the age of oil is coming to an end, we have still not found a form of energy that can replace it in the quantities to which we have become accustomed.

6. In response to these existential threats, the President of Bolivia urged Western nations to pay the ecological debt and to give up on luxury and over-consumption; to think not only about money and accumulating capital for a few families or regions, but also to think about life and humanity.

In defence of Mother Nature

7. To save planet Earth (Pacha Mama) from this rather bleak future, he proposed to the world that an international movement should be set up in defence of Mother Nature — a movement to help defend life and humanity and to save planet Earth. He also urged the United Nations to hold a world summit for indigenous peoples in order to gather together the proposals and initiatives of our peoples and nations so

as we are the repositories of wisdom and scientific knowledge in order to defend life.

8. Bolivia has therefore spearheaded the international debate on a proposed global strategy based on the values of the "culture of life", a culture embodied by the indigenous peoples and nations of the world. The aim of this strategy will be to resolve the fundamental problems of these peoples and to save the planet and humanity from the effects of climate change, the overexploitation of natural resources and a drop in oil and gas production.

Together we can work towards living well

9. The droughts, floods and other effects of climate change in recent years have had a severe impact on food production, health and infrastructure in Bolivia and in many other countries. These provide tangible proof that the poorest countries like Bolivia will be the first and the worst hit by the effects of climate change and possible wars over oil. These effects could fatally undermine even the most modest of lifestyle plans, not to mention their impact on "living well".

10. Thus, in response to the energy crisis and the looming threat of climate change, we must not only prevent oil shortages and increasingly higher costs of oil for transport purposes, but we must also mitigate their impact on the supply of many of the industrial products and services that we depend upon for our current lifestyle: cars; plastics; chemicals; conventional and other medicines; agricultural products, such as potatoes, soya, rice and sugarcane; and other foodstuffs produced using tractors, harvesters, insecticides, pesticides, industrial fertilizers and so on.

11. Taking into account the impact of such threats on the lifestyle plans of our nations, we must refocus our attention on strengthening the lives and economies of our communities so that, together, we can work towards "living well" based on our practices and customs and on our national wealth (fertile lands, clean air and water). In so doing, we can save ourselves from the self-destruction of Western society; from oppression, exploitation, contamination and insecurity; and from the vices of large cites: inhospitable places where we were forsaken by a culture dependent on cheap energy.

Harnessing communal energy

12. We therefore have to harness and strengthen the capacity of communal energy, starting by rebuilding our communities and nations with our own hands, our own hearts and our own minds. We cannot rely solely on international movements to solve our problems.

13. Whether or not we are in government, our families, communities and nations can strengthen the production of our own food, clothing, tools and other requirements. Like our ancestors, we can live on all the riches that have been bequeathed to us to satisfy our human needs and to achieve communal and national self-sufficiency without reliance on anyone else.

14. We can make our communities productive and sustainable once more by reclaiming our great wealth of seeds and species, encouraging the cultivation of foodstuffs with a high nutritive value, and promoting the production and consumption of environmentally friendly produce. We can put an end to the erosion of our lands and the destruction of our environment by using and distributing our

water in a sustainable manner and by promoting reforestation with a preference for native species.

15. Our economic and spiritual wealth is directly linked to the respectful use of the riches that our Mother Earth wishes to offer us. We must not wound or prey upon her if we are to ensure that we will always have something to eat and if we are to continue living as nations. Instead, we must build a life of abundance where there is harmony between humans and nature.

Production should meet the needs of communities

16. President Morales also told the United Nations that we must fight because food should be for human beings and soil should be for life, not for biofuel cultivation to provide for cars and for scrap metal. Our Mother Earth should not be turned into merchandise because of a petrol or diesel shortage.

17. For that reason, we must work to ensure that our production responds to our lives and to the needs and the sovereignty of our communities. We must organize production among self-sufficient regions to achieve self-sustainability so that each community has its own production and can exchange and distribute products with different regions at various altitudes.

18. We must achieve food sovereignty not only with respect to the products produced in our own community but also to those obtained through our mastery of various altitudes, whereby our communities can guarantee food for the entire population based on our own policies for the production, distribution and consumption of safe food.

Health, learning, communication and our own justice

19. Whether or not we are in government, we can start to make our own health system work in our communities based on how we have always kept ourselves healthy: namely, that the health of the community is as important as the health of the body, and that our food is our medicine. We should take precautions against illnesses before we look for medicines to cure them; and we should use our own natural medicines which do not cure one illness while creating another.

20. We must start organizing our own education system, or, rather, our own communication system, based on the teachings that we have always given to our children in our communities: i.e., communal learning to generate communal energy and to learn in our daily work that we cannot live outside of communal life.

21. We can start to be guided by our own laws and we can strengthen our own justice under our authorities in accordance with the codes, values, principles, norms and mechanisms that communities have traditionally established from generation to generation over thousands of years on the basis of the laws of nature and our philosophy of life.

22. Our philosophy is based on the responsibility of the community to take care of its members and their environment. Accordingly, each and every community member takes care of the health and well-being of each and every person without exception. Such is our consistent watchfulness, concern and vigilance, or "Tumpa" (social control), as we call it in Aymara. This is important for maintaining the harmony of the community.

Direct exercise of sovereignty

23. By turning our communities into engines for living well in this way, we can revitalize communal life in harmony with nature; we can start to organize our productive and communal life, manage community affairs, build our schools and public squares; and we can strengthen our organization and start to govern ourselves, our communities and our nations from our own communal governments.

24. We must exercise direct sovereignty through communal consensus. This is still practised in indigenous native nations, where consensus is always the method used for taking decisions, resolving conflicts and reaching agreements. We must all be in agreement for any measure to be prescribed. Each one of us must participate and have the same opportunity to be heard. We must all reach a consensus and come to an agreement among ourselves. We must all persuade each other and a decision must be taken with the participation of all, not by means of a vote.

Building a new life

25. In communal life we are not seeking liberty, rather we are building complementarity. In our communities no one should be free, because we are all interdependent: woman is completed by man, man is completed by woman, and both are fulfilled by nature.

26. We are not talking about justice, we are going beyond justice. Our fight is to achieve a balance between humans and between humans and nature. To talk about building a society with social justice is exclusive. We must do away with exclusion and preserve nature.

27. Beyond dignity, we are defending above all our identity, which is the foundation of our dignity. People who only have dignity are like plants without roots. Unless we defend our identity we will die, we will disappear.

28. Many people have told us that we need to build new societies. But that is exclusive. We need to build a new life, a life of harmony not only between people but, fundamentally, between humans and nature. That is not the same as building a new society.

A life of harmony in our communities

29. We must therefore proceed on the basis of the experience of our indigenous communities and the "culture of life", whereby life is communal, harmonious and self-sufficient, and the balance between human beings and nature, together with the sovereignty of communities, is the basis of life.

30. We must proceed on the basis of our experience of:

- Saving life and protecting Mother Nature as we would our mother, daughter or sister, rather than treating water, animals, plants, genes and other aspects of life like merchandise;
- Working together for society and our families and sharing, singing and dancing, as we continue to do in our communities, rather than working from dawn to dusk in a smallholding or performing individual labour;
- Deciding ourselves what, how much and how to produce, rather than allowing the market, like a new boss, to decide for us;

- Producing for the community and providing for our families, rather than feeding those who live in cities and rich countries and producing more cheaply for their benefit;
- Ensuring life for our children and for our children's children, and saving the planet using our stone and our own trees, our quinoa, potatoes and cassava, our kidney beans, broad beans and corn, and our bigleaf mahogany, root vegetables, coconuts and coca, rather than eroding the land, committing outrages against nature and, in 30 to 50 years' time, using up all our oil, iron, tin and lithium and all other non-renewable natural resources necessary for "modern development", whether or not this is "sustainable" or "harmonious";
- Managing to live well, sharing what we produce among our lands at various altitudes, and among our communities and societies at the national, continental and global levels, rather than allowing our lives to continue to be the same or worse by selling ever more cheaply to, and buying ever more expensively from, the national or foreign market.

31. We talk about "living well" because we are not trying to live better and we do not wish anybody to live better. "Living better" means accepting that some can live better than others. But if we live better and see others living worse, that is not living well.

32. Doing without work is not living well; lying is not living well; exploiting and subjecting your neighbours to your will might allow you to live better, but that is not living well; destroying nature might perhaps allow you to live better, but that is not living well: for what we are seeking is a life of harmony between humans and nature.

Saving planet Earth to save humanity

33. Thus, whether or not we are in government, together we can make decisions and be the masters of our own destinies; and together we can assume the readiness and the responsibility to live well bequeathed to us by our ancestors so that we can introduce across the board a culture of patience, a culture of dialogue and, fundamentally, a culture of life.

34. The Government of Bolivia's proposal for living well not only contributes to defending our families but also to defending life and Mother Earth so that we may live in harmony with her. For when we talk about Mother Earth, we are talking about planet Earth. In that respect, it is a matter of joining forces to save planet Earth in order to save humanity.

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Items 3, 4, 5, 7, 8 and 9 of the provisional agenda*
Special theme: "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"

Implementation of the recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals

Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Half-day discussion on indigenous languages

Ongoing priorities and themes and follow-up

Future work of the Permanent Forum, including emerging issues

Information received from Governments

Peru**

Summary

Peru takes a cross-sectoral approach to the issue of indigenous peoples; this means that the efforts of various government sectors and bodies are involved. Thus, the issues of land, health, education and identity are inextricably linked and require a multidisciplinary, inter-institutional effort.

* E/C.19/2008/1.

** The submission of the present document was delayed in order to include the most recent information.

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Owing to these factors, the Peruvian Government has established a specialized body to address the issue of indigenous peoples. This body is the Indigenous and Afro-Peruvian Peoples' Directorate (DGPOA) and is part of the Ministry of Women and Social Development. It is a specialized body which sets the Government's policy and strategies for addressing the issue of indigenous peoples, and its internal organization is designed to meet this specific need. It includes two directorates: a Biodiversity and Collective Knowledge Directorate, which focuses on reclaiming ancestral wisdom as the basis for the so-called "tangible and intangible culture" of indigenous peoples; and an Andean, Amazonian and Afro-Peruvian Peoples' Directorate, which focuses on strengthening indigenous peoples' identity, sense of relevance and pride.

I. Introduction

1. The need for legal protection of indigenous peoples' rights, grounded in the belief that these peoples are the last bastion of knowledge, identity, ecological values and balance, is at the top of the international agenda. The recent adoption of the United Nations Declaration on the Rights of Indigenous Peoples after 20 long years of delay provides confirmation of this fact; the Declaration is an instrument for legal, administrative and policy reform for the nations of the world.

2. Through its legislative resolution No. 26253 (1994), Peru became a signatory to International Labour Organization (ILO) Convention No. 169, the Convention concerning Indigenous and Tribal Peoples in Independent Countries. This makes it legally binding; in other words, it imposes certain rights and obligations. For this reason, our Directorate falls within the framework of the policy on indigenous peoples and its activities focus on preserving the environment, maintaining the balance between man and nature, and reclaiming and ensuring the survival of cultures.

II. Activities and responses to the recommendations made at the sixth session of the Permanent Forum

A. On special themes

1. Territories, lands and natural resources

3. The Indigenous and Afro-Peruvian Peoples' Directorate (DGPOA) in the Ministry of Women and Social Development, through its Environmental Health and Land Management Study and Research Unit and in accordance with its mandates and functions, is the body responsible for formulating, promoting, proposing, harmonizing and coordinating with national bodies the recognition and legalization of indigenous, rural and native communities property and the formal establishment and protection of the territorial reserves of peoples in voluntary isolation and initial contact.

4. One of the Directorate's acts was the signing of a convention with the Commission for the Formalization of Informal Properties (COFOPRI), which is the national body responsible for all aspects of the legalization of property. It has also been assigned to implement the Special Land Titling and Rural Cadastre Project (PETT) in order to provide environmental clean-up for and establish the borders of indigenous communities' lands.

5. For both the beneficiaries and the authorities, one of the principal activities has been the holding of workshops in the native communities themselves with a view to border establishment and demarcation. Priority has been given to border areas on the understanding that it is these areas that warrant the closest attention. A participatory model entitled "Status of and Policies for the Inclusion of Indigenous Amazonian Peoples Living in Border Regions" has been developed. The establishment of working groups has also been encouraged in the Amazon, Cusco, Madre de Dios, Ucayali and Loreto regions.

6. At the same time, demarcation of the borders of the native communities in the Ucayali and Loreto regions has been monitored in order to facilitate and provide

guidance for the titling process in disputed areas such as Aramango, Bagua; Arenal, Loreto; and Purus and Yurúa, Ucayali. In these areas, efforts have been made to gather records of the recognition of lands belonging to indigenous communities with an estimated beneficiary population of 1,600 people.

7. Another, and perhaps the most important, achievement is the legislation introduced by the Peruvian Government in order to advance the process of preserving indigenous communities' land. Article 88 of Peru's Constitution provides that "the State shall give priority to agricultural development/and guarantees the right to own land individually, collectively or by any other form of association". Through legislative resolution No. 26253, adopting ILO Convention No. 169, the State assumed the obligation to protect the territory of indigenous peoples.

8. The Demarcation and Granting of Title (Territory of Peasant Communities) Act (Act No. 24657) was adopted in order to address the problem of land titling in the nation's approximately 1,700 rural communities, which represent 30 per cent of all Peruvian communities. Furthermore, the Lands Act (Act No. 26505) expands on article 89 of the Constitution by allowing rural and native communities to use their land as they choose, provided that the decision is taken by the community as a whole. Articles 12 and 17 of the Native Communities and Agrarian Development in the Jungle and High Jungle Regions Act (Decree Law No. 22175) stipulates that indigenous communities' land must be protected in accordance with Supreme Decree No. 064-2000-AG, which regulates the Organization and Functions of the Special Land Titling Project and Rural Cadastre Project (PETT).

9. The Peruvian Government has announced that certain natural areas associated with indigenous peoples will be set aside as reserves; these include protected natural areas, communal reserves and, more recently, territorial reserves that include indigenous peoples in isolation.

10. This effort with regard to the land issue is embodied in the implementation of the Protection of Indigenous or Aboriginal Peoples in Isolation or Initial Contact Act (Act No. 28736). As a consequence of this Act:

(a) Priority is given to the issue of land protection and indigenous peoples are classified under two categories: communities that have political and administrative recognition, such as those of the Andean and Amazonian peoples; and communities in voluntary isolation or initial contact, which are still in the process of preservation; and

(b) Five territorial reserves have been established for the indigenous people who inhabit them. Pursuant to the Act, they are being classified by category in accordance with Supreme Decree No. 008-2007-MIMDES, which regulates Act No. 28736.

2. Indigenous peoples in voluntary isolation or initial contact

11. The Peruvian Government has established a special regime for indigenous peoples in voluntary isolation or initial contact because the areas inhabited by these peoples are considered extremely vulnerable.

12. There are currently five territorial reserves:

(a) A 456,672.73-hectare State territorial reserve for ethnic groups in voluntary isolation or initial contact, including the Kugapakori, Nahua, Nanti and other peoples, established by Supreme Decree No. 028-2003-AG;

(b) The 850,717.26-hectare inter-ethnic Madre de Dios territorial reserve for the Mashco-Piro, Yora and Arawak groups, established by Ministerial Resolution No. 427-2002-AG;

(c) An 826,880.20-hectare inter-ethnic territorial reserve for the Mashco-Piro de Ucayali group, established by Regional Director's Resolution No. 000190-97-CTARU/DRA;

(d) A 302,472.09-hectare territorial reserve for the Isconahua ethnic group in the Ucayali region, established by Regional Director's Resolution No. 00201-98-CTARU/DRA-OAJT; and

(e) A 481,216.91-hectare territorial reserve for the Murunahua-Chitonahua ethnic group in the Ucayali region, established by Regional Director's Resolution No. 189-97-CTARU/DRA.

13. Now that Act No. 28736 has been adopted, all these reserves fall within its scope. They were brought within its scope through recently adopted regulations which tacitly imply recognition of the reserves' legality.

14. The most important measures that the Government is implementing is the Protection and Defence of Indigenous Peoples in Voluntary Isolation and Initial Contact in the Kugapakori, Nahua and Nanti Territorial Reserve Plan. The Plan's objective is to strengthen the Peruvian Government's capacity to supervise, monitor and oversee the environmental aspects of the Camisea Gas Project and to implement programmes, projects and mechanisms leading to sustainable, harmonious development in the Project area while preserving the indigenous peoples of the region. The main thrusts of the Plan are to lay a firmer legal foundation for proper management of the reserve and for the implementation of protection measures; to restrict and regulate access to the reserve; to regulate economic and environmental activity in the region; to provide the population with better health services; and to systematize and unify contingency and emergency plans.

15. Five requests for categorization have been submitted and will be evaluated individually.

B. Concerning the special recommendations

1. Economic and social development

16. The economic growth in Peru's economy, as shown by an 8.3 per cent increase in gross domestic product (GDP) in 2007, has led to the development of programmes benefiting impoverished population groups in the regions where there are indigenous communities; this is consistent with the Government's decentralization policy, under which it has transferred financial resources to the subnational governments so that they can develop an equitable policy. For this reason, the Regional Governments Act (Act No. 27867) calls for indigenous peoples to be represented at the regional level through the Indigenous Peoples' Directorate. Involvement in participatory budgeting gives indigenous peoples' representatives

democratic mechanisms for asserting their needs and complaints so that they can be addressed.

17. This Act is clear proof of indigenous peoples' participation in the economic development process, which has now been decentralized to the regional and local governments.

18. Management of Amazonian forests under the logging policy allows for the participation of indigenous communities, which have also undertaken to implement the Forest Management Plan.

19. This experiment, conducted with the Shipibo Konibo indigenous community in Callería, Ucayali, is considered promising and has achieved excellent results, especially in the area of logging. In addition, resource management has had a positive affect on the well-being of the members of the community; there has been a clear increase in the local population's technical, administrative and organizational capacities as a result of their management experience. A third-party analysis comparing this experiment to the traditional type of forest management found that it had had a very positive effect both on the population and on conservation of the forest and its resources and that it had a high potential for sustainability.

20. Similarly, indigenous peoples' capacity to launch self-managed community-run businesses has been raised through State-sponsored technical assistance with the extraction of non-wood forest products (including medicinal products such as, inter alia, Yahuar Piripiri (Eleutherine bulbosa), Cat's Claw (Uncaria Tormentosa), Camu-Camu (Myrciaria Dubium) and Aguaje (Mauritia Flexuosa) and handicrafts-related activities), as well as subsistence agriculture (crops such as plantain, yuca, watermelon, corn, cocona and chiclayo beans).

21. Large-scale projects such as the Bi-Oceanic Corridor — a major project that will establish continental road networks — are also under way. The Peruvian Government is addressing the indigenous issue in this context through DGPOA and the National Institute for Natural Resources (INRENA), in cooperation with which it is implementing an inter-oceanic environmental and social impact prevention project that will strengthen the cultural identity and protect the lands of indigenous peoples so that they can develop and implement community initiatives that express the goals of each community and build the capacities of indigenous peoples' organizations.

2. Environment

22. The Peruvian Government has established the National Council on the Environment (CONAM) as the national environmental authority. Its purpose is to plan, promote, coordinate, monitor and protect the nation's environment and natural heritage. It was established through Act No. 26410, which seeks to promote environmental conservation in order to foster overall human development by ensuring an adequate quality of life and a balance among social and economic development, sustainable use of natural resources and environmental conservation.

23. On 15 January 2008, the Executive Branch submitted a proposal for the establishment of a ministry of the environment. The proposal involves merging CONAM, INRENA, the National Development Institute (INADE), the National Watershed Management and Soil Conservation Programme (PRONAMACHS) and

the Environmental Health Directorate as the clearest proof of the Government's commitment to the environment.

24. Bearing in mind that, at its sixth session, the Permanent Forum recommended that States should recognize indigenous peoples' customary laws on genetic resources, DGPOA has taken the following coordinated steps through its Biodiversity and Collective Knowledge Directorate:

(a) Establishment of an agreement with the National Institute for the Defence of Competition and the Protection of Intellectual Property (INDECOPI), the decentralized public body responsible for the protection of all forms of intellectual property;

(b) Organization of training workshops to educate indigenous peoples about the scope of laws on protection;

(c) Preparation of an inventory of the genetic resources in the areas inhabited by indigenous peoples; and

(d) Organization of a national conference for specialists in traditional and alternative medicine with a view to systematizing their experiences.

25. Recognizing that illegal activity is threatening natural resources in the Peruvian Amazon, the Government established the Multisectoral Commission to Combat Illegal Logging through Supreme Decree No. 019-2004-AG. The Commission, which comprises the Chair of the Council of Ministers, the Ministry of Agriculture, the Ministry of the Interior, the Public Prosecutor's Office, the Superintendency of Tax Administration, the National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples and INRENA, was set up to assist native communities and to implement an environmental education programme and a communications strategy in cooperation with the Peruvian International Cooperation Agency (APCI).

3. Health

26. The Government has established the National Centre for Intercultural Health (CENSI) within the Ministry of Health as a line agency of the National Health Institute. This Centre has signed agreements with 12 regions to protect the health of indigenous people. It has also scheduled a second health survey of the indigenous communities of the Peruvian Amazon.

27. CENSI has prepared two technical guides on topics relating to indigenous peoples in voluntary isolation and initial contact: "Relations with indigenous peoples in voluntary isolation or initial contact in cases requiring interaction with them", prepared pursuant to Ministerial Resolution No. 797-2007-MINSA, and "Health care for indigenous peoples in recent or initial contact at high risk of illness", prepared pursuant to Ministerial Resolution No. 798-2007-MINSA.

28. As can be seen, the Government recognizes the vulnerability of indigenous peoples in voluntary isolation and initial contact and gives priority to protecting their health. Act No. 28736 establishes, implements and ensures oversight of cross-cutting special measures that protect the rights of such peoples, particularly with respect to health.

29. Under a contract signed by the Government and the Inter-American Development Bank (IDB) with a view to implementation of the Programme for institutional strengthening and support for environmental and social management of the Camisea Gas Project, DGPOA is implementing the Protection and Defence of Indigenous Peoples in Voluntary Isolation and Initial Contact in the Kugapakori, Nahua and Nanti Territorial Reserve Plan.

30. Under this contract, the Cusco and Ucayali Regional Health Directorates have signed framework agreements on inter-agency cooperation to facilitate the access of comprehensive health-care teams to the Kugapakori, Nahua and Nanti Territorial Reserve.

31. Under these agreements, the following action has been taken:

32. The Cusco Regional Health Directorate has provided medical care to the indigenous communities of Montetoni, Marankeato, Sababantiari and Mañuquiari, which border on the Territorial Reserve. The Ucayali Regional Health Directorate teams have also provided efficient comprehensive care. The Atalaya micronetwork has provided health-care services in the community of Santa Rosa de Serjali.

4. Education

33. The Bilingual Cross-Cultural Education Act (Act No. 27818) was adopted with a view to establishing a special policy on bilingual education. The Act is cross-cutting in that it covers a wide range of educational undertakings.

34. The Act established the Bilingual Cross-Cultural Education Directorate, the specialized body responsible for drawing up a policy on indigenous issues.

35. The main objective is to provide all the peoples of Peru with high-quality, equitable education that is culturally and linguistically relevant and to ensure that they are fully able to exercise their right to take decisions regarding their education.

36. The specific goals are to:

(a) Incorporate cross-culturalism into the Peruvian educational system;

(b) Foster respect for the different languages and cultures of students in order to raise awareness that discrimination on grounds of language, dialect or culture is completely unacceptable;

(c) Encourage the participation of indigenous peoples and civil society in the elaboration of cross-cultural bilingual education proposals; and

(d) Diversify the curriculum and incorporate the various demands of indigenous peoples and civil society relating to the recognition and affirmation of diversity.

37. DGPOA has also carried out various training activities, including:

(a) The development of training programmes for indigenous teachers, in cooperation with various governmental and civil society institutions, including universities, teacher training institutes, non-governmental organizations (NGOs) and indigenous peoples' federations; and

(b) The organization of workshops on curriculum programming diversification, language instruction and methodologies. Indigenous leaders and

teachers in remote areas, such as border regions, also receive training so that they can disseminate such methods. The aim is to overcome regional and local educational authorities' resistance to bilingual education.

5. Culture

38. As recommended at the sixth session of the Permanent Forum, the Government has largely met the demand for recognition of the multiculturalism, multi-ethnicity and multilingualism of indigenous peoples and has abandoned the goal of a homogeneous society.

39. Article 2 of the 1993 Constitution recognizes, for the first time, the ethnic and cultural diversity of Peru and the legal existence of indigenous and rural communities. It also recognizes the fundamental human right to an ethnic and cultural identity and states that the Government recognizes and protects ethnic and cultural diversity.

40. As noted in the recommendations of the Permanent Forum, there have been calls for linguistic equality. Article 48 of Peru's Constitution provides that the official languages are Spanish and, in areas where they predominate, Quechua, Aymara and other indigenous languages specified by law. In an effort to promote the use of indigenous languages in official government documents and services, the Act for the Recognition, Preservation, Promotion and Dissemination of Indigenous Languages (Act No. 28106) was adopted. This Act, which has entered into force, recognizes the indigenous languages listed in the official map of Peru's linguistic and cultural heritage, linguistic families and languages.

41. With respect to preservation of the use of languages, DGPOA is coordinating an official revision of the ethno-linguistic map in cooperation with other institutions and NGOs. The purpose is to establish areas, linguistic families and ethno-linguistic groups, based on new anthropological findings.

42. Pursuant to an agreement with the International Labour Organization (ILO) Regional Office for Latin America and the Caribbean, which has its headquarters in Peru, DGPOA has also translated ILO Convention No. 169 into Quechua and Aymara, with a view to disseminating that legal instrument among Peru's indigenous Andean peoples.

43. Through its Indigenous and Afro-Peruvian Peoples' Directorate, DGPOA is responsible for strengthening cultural identities. It is working to increase appreciation of indigenous peoples' aesthetic expression by compiling and transcribing oral traditions, organizing dance competitions and sponsoring ancestral music and dance events.

6. Human rights

44. The Government of Peru supported the adoption of the United Nations Declaration on the Rights of Indigenous Peoples through the members of its official United Nations delegation who deal with indigenous issues and through indigenous peoples' organizations. The Declaration was ultimately adopted on 13 September 2007.

45. The translation of ILO Convention No. 169 into the languages of indigenous peoples demonstrates the Government's commitment to the defence of their human rights.

III. Special attention paid to indigenous children and youth and to indigenous women

46. The Peruvian Government does not make distinctions in respect of the attention paid to indigenous children and youth because it is convinced that the issue of indigenous peoples must be addressed as a whole and thus that the focus should be on the family and the community. The families themselves, because of their tight-knit nature, do not allow their children to receive outside treatment. Nonetheless, some measures have been taken in respect of indigenous young people, taking into account the Permanent Forum's recommendations and the example of other countries.

47. For example, scholarships have been established at universities, as is the case at the Universidad Nacional Mayor de San Marcos and at the Universidad de Educación Enrique Guzmán y Valle (La Cantuta), which specializes in teacher training.

IV. Obstacles to the implementation of recommendations of the Permanent Forum

48. Among the obstacles to implementation of the recommendations of the Permanent Forum are:

(a) The fact that the recommendations have not been widely publicized;

(b) The failure to distinguish between specialized and other sectoral entities in respect of implementation of the recommendations; and

(c) The lack of economic resources and of greater international cooperation in respect of the issue of indigenous peoples.

V. Facilitating factors for the implementation of recommendations

49. Factors that have facilitated implementation of the recommendations are:

(a) The existence of indigenous peoples' movements and organizations;

(b) The international support for indigenous peoples;

(c) Treaties and international law;

(d) The existence of other international institutions that are publicizing the issue of indigenous peoples; and

(e) An awareness among the population that the country is multicultural, multi-ethnic and multilingual.

VI. Specific legislation, policies and instruments for addressing the issue of indigenous peoples

50. Legislation enacted by the Peruvian State in respect of indigenous peoples:

(a) The National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples (INDEPA) Act (Act No. 28495, issued on 15 April 2005);

(b) Ombudsman's Resolution No. 032-2005-DP, issued on 17 November 2005, adopting the Office of the Ombudsman's Report No. 101 on indigenous peoples in voluntary isolation and initial contact;

(c) The Protection of Indigenous or Aboriginal Peoples in Voluntary Isolation or Initial Contact Act (Act No. 28736, issued on 18 May 2006);

(d) Supreme Decree No. 001-2007-MIMDES, issued on 5 March 2007, approving the merger of INDEPA and the National Council for the Integration of Persons with Disabilities (CONADIS) with the Ministry of Women and Social Development;

(e) Supreme Decree No. 006-2007-MIMDES, issued on 22 June 2007, approving the regulations on the organization and functions of DGPOA; and

(f) Act No. 29146, abrogating Supreme Decree No. 001-MIMDES-2006 and re-establishing INDEPA.

51. The aforementioned regulations provide for indigenous representation in governmental bodies.

VII. Establishment of a national institution (Ministry), department or unit to address the issue of indigenous peoples

52. INDEPA, established by Act No. 28495, is an autonomous body which represents indigenous peoples before the State and whose purpose is to defend and promote the rights and the development of the Andean, Amazonian and Afro-Peruvian peoples. Its supreme body is a Governing Council made up of 23 members, of whom 2 are indigenous persons, 2 are representatives of the regional and local governments and 11 are representatives of the various governmental sectors. The Council's indigenous members are elected through universal suffrage and in accordance with the customs of the indigenous peoples concerned.

53. Under the aforementioned Act and Supreme Decree No. 006-2007-MIMDES, modifying the regulations on the organization and functions of the Ministry of Women and Social Development, DGPOA is the body responsible for formulating, proposing, coordinating, supervising and evaluating national policies, regulations, plans, strategies and programmes for the advancement, protection, study and promotion of the rights and development of the Andean, Amazonian and Afro-Peruvian peoples.

54. In order to fulfil its mission, the regulations require DGPOA to maintain working relationships with the bodies and national programmes of the ministries and decentralized public agencies within the sector, while coordinating with regional

and local governments in the implementation of programmes within its sphere of competence; with the National Commission for the Preservation of Biodiversity and the Collective Knowledge of Indigenous Peoples; and with other public and private entities relevant to its mission.

55. Administratively and organizationally, DGPOA includes two directorates: a Biodiversity and Collective Knowledge Directorate and an Andean, Amazonian and Afro-Peruvian Peoples' Directorate. The former includes a Collective Knowledge Unit, an Environmental Health and Land Management Unit, and a Peoples in Voluntary Isolation Unit, while the latter is made up of three specialized units: an Andean Unit, an Amazonian Unit and an Afro-Peruvian Unit.

56. Pursuant to the recently issued Act No. 29146, restoring the autonomy of INDEPA, the functions of DGPOA are once more assigned to INDEPA.

VIII. Capacity-building for government officials on indigenous issues

57. Workshops on the implementation of ILO Convention No. 169 have been organized with a view to its incorporation into the policies of the various sectors of public administration.

58. Participants included, inter alia, officials of the Office of the Ombudsman, the Public Prosecutor's Office, the judiciary, the National Council of the Judiciary and the Peruvian Congress.

IX. Government action with regard to the activities of the Second International Decade of the World's Indigenous People

59. The Peruvian Government's interest in celebrating the Second International Decade of the World's Indigenous People was manifest by the National Conference of Andean, Amazonian and Afro-Peruvian Peoples, organized by DGPOA in Lima on 18 and 19 April 2007.

60. The main objective of that Conference was to strengthen Andean, Amazonian and Afro-Peruvian peoples' organizations with a view to their involvement in and impact on the Government's public policies for promoting all aspects of the alternative development of those peoples.

61. Among the specific objectives of the conference were to:

(a) Develop and set forth agreed proposals for the strengthening and development of the Andean, Amazonian and Afro-Peruvian peoples;

(b) Share and disseminate the results of the thematic regional and macro-regional seminars held with those peoples from September to December 2006 and from January to April 2007;

(c) Strengthen and disseminate the cultural expression of indigenous peoples in the context of institutional efforts through cultural presentations by those peoples; and

(d) Create a forum for discussion and the exchange of experiences in respect of the organizational process and the alternative development of those peoples.

62. There was broad participation; the Conference was attended by more than 400 representatives of indigenous and rural (Andean) peoples' organizations operating at the national level; 300 representatives of indigenous and native (Amazonian) peoples' organizations operating at the national level; 100 representatives from organizations of Afro-Peruvian peoples that inhabit the coastal region; representatives of indigenous, rural and Amazonian peoples' organizations operating at the national level; and teachers and students from various Peruvian universities.

X. Suggestions on the special theme: "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"

The collective memory of indigenous peoples Directorate and new challenges

63. We are working to raise awareness among all social stakeholders in the preservation of biological diversity and the stewardship of natural resources by means of a competition to reaffirm the ritual and religious meaning of water. This contest will conclude with the establishment of a network of indigenous leaders who will spur efforts to combat environmental contamination.

64. The various oil companies operating in areas inhabited by indigenous peoples should adopt balanced policies and environmental management plans agreed upon with those peoples.

XI. Action taken by the Government in connection with the United Nations Declaration on the Rights of Indigenous Peoples

Suggestions with a view to effective implementation of the Declaration

65. The primary suggestion is that States should implement the Declaration in concert by applying it in their administrative processes by interpreting it as they take decisions; in legislative matters, by bringing domestic law into line with the Declaration and with other relevant international instruments; and in judicial matters, by interpreting it through rulings suited to the situation in each country.

66. Working within this framework, efforts have been made to increase the representation of indigenous peoples in governmental bodies. Article 12 of the Regional Elections Act (Act No. 27683) provides that the list of candidates for the Regional Council shall include one candidate and one alternate from each province; that men and women shall each comprise at least 30 per cent of the list of candidates and shall be selected in alternation until that quota is met; and that representatives of native communities and indigenous peoples from every region where such communities or peoples are found, as determined by the National Elections Board, shall comprise at least 15 per cent of the candidates; one of every three candidates on the list shall be selected from this group until the quota is met.

67. In addition, article 10 of the Municipal Elections Act (Act No. 26846) provides that the list of candidates shall include a number indicating the position of candidates for city councillor on the list; that men and women shall each comprise at least 30 per cent of the list and shall be selected in alternation until that quota is met, and that representatives of native communities and indigenous peoples from every region where such communities or peoples are found, as determined by the National Elections Board, shall comprise at least 15 per cent of the candidates.

68. Those are the efforts that have been made in response to the new United Nations Declaration on the Rights of Indigenous Peoples.